

# Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 3 April 2012.

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## **APOLOGIES**

## **ACKNOWLEDGEMENT OF LAND**

## **DECLARATIONS OF INTEREST**

### **Pecuniary Interests**

### **Non Pecuniary – Significant Interests**

### **Non Pecuniary – Less than Significant Interests**

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**Minutes of the Planning and Environment Committee held on 3 April 2012**

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**Present** His Worship the Mayor, Councillor A Chanthivong  
Councillor R Kolkman (Chairperson)  
Councillor J Bourke  
Councillor G Greiss  
Councillor P Hawker  
Councillor R Matheson  
Councillor M Oates  
General Manager - Mr P Tosi  
Director Planning and Environment - Mr J Lawrence  
Acting Manager Compliance Services – Mr P Curley  
Acting Manager Development Services - Mr B Leo  
Acting Manager Environmental Planning - Mr A Spooner  
Acting Manager Waste and Recycling Services - Mr L Atkinson  
Manager Community Resources and Development - Mr B McCausland  
Executive Planner - Ms C Puntillo  
Senior Development Planner - Mr A Macgee  
Corporate Support Coordinator - Mr T Rouen  
Executive Assistant - Mrs K Peters

**Apology (Greiss/Bourke)**

That the apology from Councillor Thompson be received and accepted.

**CARRIED**

**Acknowledgement of Land**

An Acknowledgement of Land was presented by the Chairperson Councillor Kolkman.

**DECLARATIONS OF INTEREST**

Declarations of Interest were made in respect of the following items:

**Pecuniary Interests**

nil

**Non Pecuniary – Significant Interests**

Councillor Hawker - Item 3.1 - DA Report - Lot 3004 Stowe Avenue Campbelltown - Review of Amended Plans - Councillor Hawker advised that he is a member of the Joint Regional Planning Panel and that he will leave the Chamber and not take part in debate nor vote on the matter.

Councillor Kolkman - Item 3.1 - DA Report - Lot 3004 Stowe Avenue Campbelltown - Review of Amended Plans - Councillor Kolkman advised that he is a member of the Joint Regional Planning Panel and that he will leave the Chamber and not take part in debate nor vote on the matter.

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**Non Pecuniary – Less than Significant Interests**

Councillor Matheson - Item 2.5 - Proposed Renaming of Alyan Place, St Helens Park - Councillor Matheson advised that a member of the family of Alyandabu is known to him.

Councillor Bourke - Item 2.3 - Review of Council's Water Quality Management Program - Councillor Bourke advised that her husband is involved in the local koala research program.

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## **1. WASTE AND RECYCLING SERVICES**

### **1.1 Draft Submission to the NSW Government's Review of the Waste and Environment Levy**

#### **Reporting Officer**

Manager Waste and Recycling Services

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#### **Attachments**

Draft Submission to the State Government's Review of the NSW Waste and Environment Levy (distributed under separate cover)

#### **Purpose**

To advise Councillors of the State Government's independent Review of the Waste and Environment Levy, to provide background information to the Levy, and to propose that Council lodge a submission addressing the Review's terms of reference.

#### **History**

The NSW Waste and Environment Levy, commonly known as the 'Section 88 Levy', or 'Waste Levy' is a charge imposed by the State Government upon landfill operators for every tonne of material accepted for disposal into their landfills. The Levy is collected by the landfill operators from their customers by way of including the cost of the Levy in the total gate fee per tonne. The Levy portion of the gate fee collected by landfill operators from their customers is then transferred to the State Government.

While similar levies are commonplace in all Australian States and around the world, the amount levied per tonne varies considerably between jurisdictions. Waste levies of various forms have been in place in NSW since 1971. The Levy was introduced to increase landfill prices, in order to create both environmentally and economically sustainable alternatives to landfill, such as re-use and recycling of materials that otherwise would have been landfilled. Revenue collected through the Levy was originally intended to be returned in the form of initiatives that would increase landfill diversion rates.

The Waste Levy for the Sydney Metropolitan Area has steadily increased over recent years. The State Government's current strategy is to continue an annual increase to the Levy of \$10 + Consumer Price Index, until 2015-2016. The following shows the cost of the Levy (per tonne of waste) since 1 July 2005:

|            |                        |
|------------|------------------------|
| 2005-2006: | \$22.70                |
| 2006-2007: | \$30.40 (34% increase) |
| 2007-2008: | \$38.60 (27% increase) |

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## 1.1 Draft Submission To The NSW Government's Review Of The Waste And Environment Levy

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|            |                           |
|------------|---------------------------|
| 2008-2009: | \$46.70 (21% increase)    |
| 2009-2010: | \$58.50 (25% increase)    |
| 2010-2011: | \$70.30 (20% increase)    |
| 2011-2012: | \$82.20 (17% increase)    |
| 2012-2013: | \$94.97 (16% increase) *  |
| 2013-2014: | \$108.12 (14% increase) * |
| 2014-2015: | \$121.66 (13% increase) * |
| 2015-2016: | \$135.61 (12% increase) * |

(\* = estimated)

### Report

In the last 10 to 15 years the waste industry has developed and continues to refine various forms of 'Advanced Waste Technology' (AWT) as alternatives to landfilling, particularly in the processing and disposal of domestic waste. Positive results are being achieved, with increasing percentages of domestic waste being diverted from landfill.

Despite the overwhelming environmental advantages of AWT over landfill, for some years the waste industry experienced difficulty marketing AWT as a viable alternative to landfill due to economic reasons: most forms of AWT are more expensive than landfilling due to their substantial capital set-up costs, labour intensive operation, and comparatively higher repair and maintenance costs.

The State Government's substantial increase in the cost of the Waste Levy in recent years has of course resulted in dramatic increases in landfill costs, so much so that in recent years AWT has become, for many councils, a realistic alternative to landfill. For example, in the Sydney Metropolitan Area, anecdotal evidence (unconfirmed due to commercial-in-confidence obligations) suggests that a number of council contract prices for the processing of domestic garbage through AWT is now comparable with that of landfilling. Furthermore, as the cost of the Waste Levy continues to increase annually along current trends, AWT will indeed become less expensive than landfilling.

Notwithstanding the benefits associated with the increase to the Waste Levy as outlined above, for some years the Levy has been the subject of criticism and debate among key stakeholders. Some common issues for debate have included:

- Whether revenue collected through the Levy has been used efficiently towards supporting landfill-reduction initiatives
  - Conjecture that the revenue collected through the Levy has not been returned in full towards landfill-reduction initiatives
  - Conjecture that ratepayers are forced to pay for the failure of the retail and packaging industries to address issues of over-packaging of consumer goods, and the use of inappropriate materials in packaging (for example, expanded polystyrene)
  - Conjecture that ratepayers are forced to pay for the failure of State and/or Commonwealth Governments to introduce landfill-reduction initiatives such as Container Deposit Legislation and compulsory industry-funded recycling schemes for end-of-life products (for products such as tyres, computers and televisions)
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## 1.1 Draft Submission To The NSW Government's Review Of The Waste And Environment Levy

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- Increases in the Waste Levy and therefore in the cost of landfilling correlates directly with increased incidents of illegal dumping. As removal of illegally dumped waste is largely the responsibility of councils, this additional cost is passed on to ratepayers
- The recycling industry's concern that continued increases in the Waste Levy may render some items economically unviable for recycling. For example, the labour cost involved in dismantling a computer, along with the cost to landfill the non-recyclable components of the computer, may combine to outweigh the re-sale value of the components recovered for recycling: it will have been therefore cheaper to landfill the computer.

The Waste Levy has produced positive results by rendering AWT a more economically viable alternative to landfill for domestic waste, and has therefore reduced the percentage of domestic waste being landfilled. Notwithstanding, the State Government has recognised increasing concerns from key stakeholders, should the Levy continue to increase in cost.

On 17 January 2012, the NSW Minister for the Environment announced an independent review of the Waste Levy. The Review is canvassing stakeholder views on how the Waste Levy operates, and particularly how well it fulfils its purpose in increasing recycling and reducing the amount of waste that goes to landfill.

The Review's terms of reference include four key areas:

1. the impact of the Waste Levy on the recycling industry
2. the impact of the Waste Levy on households
3. funding arrangements to facilitate greater investment in infrastructure with local councils and industry
4. the impact of the waste Levy on illegal dumping, including the proper disposal of asbestos.

The Review invites public comment on these four key areas by 13 April 2012. As each impacts upon Local Government, it is considered to be in Council's interests to make a submission addressing all four areas.

A draft submission has been prepared and is attached to this report. The submission supports the continued existence of the Waste Levy in principle and acknowledges the benefits that the Levy has created, however, it also highlights a number of problems that the Levy has created, and additional problems that may be created if the cost of the Levy continues to increase, particularly in the form of cost-shifting to ratepayers.

The draft submission recommends that:

- consideration be given to providing recycling processing companies a waste levy exemption for the residual that remains after reusable or recyclable content has been recovered from certain target wastes
  - a substantial portion of waste levy funds be directed towards assisting councils to identify and secure suitable land for the future development of AWT facilities
  - some concession should be provided to councils in isolated rural areas, due to the fact that they have limited ability to attract investment in Advanced Waste Technology
  - the Waste and Sustainability Improvement Payment (WaSIP) Program place greater emphasis on an expectation of councils to use funds towards landfill reduction
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1.1 Draft Submission To The NSW Government's Review Of The Waste And Environment Levy

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- that particular focus is made on investing funds from the Waste Levy into the development and provision of more disposal infrastructure for tyres and hazardous materials such as asbestos for residents and businesses
- the State Government utilise the Waste Levy to provide councils with funding to set up and operate free, permanent drop off points for the collection of waste materials such as bulky garden organics and E-waste
- the State Government explore, as a part of the Waste Levy Review, the re-introduction of illegal dumping grants (funded by the Waste Levy) to target illegal dumping hotspots
- the State Government continue to encourage NSW Council's use of WaSIP funds towards projects associated with environmental sustainability, particularly those associated with landfill reduction.

**Officer's Recommendation**

That Council endorse and forward the attached submission to the NSW Office of Environment and Heritage.

**Committee's Recommendation: (Oates/Bourke)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 10 April 2012 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## 1.2 Outcome of Clean Up Australia Day 2012

### Reporting Officer

Manager Waste and Recycling Services

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### Attachments

Nil

### Purpose

To present the results of Clean Up Australia Day 2012 to Council.

### Report

Clean Up Australia Day 2012 was held over the following days:

- Business Clean Up Day - Tuesday, 28 February
- Schools Clean Up Day - Friday, 2 March
- Clean Up Australia Day - Sunday, 4 March

An estimated 591,400 volunteers at 7,363 registered sites took part in the event, removing approximately 16,199 tonnes of rubbish from bushland, parks and waterways across Australia.

There were 52 sites registered in the Campbelltown Local Government Area in 2012, with Schools Clean Up Day accounting for 26 of these sites, one site registered for Business Clean Up Day and 25 sites registered for the main event on Sunday 4 March.

As in previous years, Council supported the event by:

- assisting Clean Up Australia and volunteers, both prior to and on the day
- promoting the event through local media
- coordinating site registrations
- providing additional equipment
- allocating staff to act as trouble-shooters and to remove waste collected.

In previous years, arrangements were made for 'tip vouchers' to be supplied to councils by a waste company, which allowed rubbish collected as part of Clean Up Australia Day activities to be disposed of free of charge during the campaign period. However, as a competitor of this waste company was a major sponsor of Clean Up Australia Day in 2012, this support was withdrawn, and disposal fees for Clean Up Australia Day waste were covered by Council.

Due to the high number of NSW councils affected by this change, the State Government provided an exemption of the Section 88 Landfill Levy for waste collected on Clean Up Australia Day. In addition, Council's waste disposal contractor provided Council with a reduced gate fee for the campaign period.

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Over 8 tonnes of rubbish were collected from parks, bushland and waterways across the Campbelltown Local Government Area. Additional rubbish was also removed from school grounds during Schools Clean Up Day, however, as most schools arranged their own disposal of this rubbish, tonnage information was not available.

The estimated cost to Council for the support of Clean Up Australia Day in 2012 was \$7,500, which included promotion of the event, wages for staff working on the day, additional equipment provided to site coordinators and disposal of the waste collected.

Letters of appreciation have been sent to all schools and site coordinators who participated in Clean Up Australia Day. In addition, an advertisement appeared in the Macarthur Chronicle and Macarthur Advertiser on 20 and 21 March listing all registered sites and thanking volunteers for their contribution.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Bourke/Greiss)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 10 April 2012 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## **2. ENVIRONMENTAL PLANNING**

### **2.1 Future Planning Directions for the East Edge Scenic Protection Lands**

#### **Reporting Officer**

Acting Manager Environmental Planning

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#### **Attachments**

1. Map showing the location and current zoning of the Landscape Units within the East Edge Scenic Protection Lands (Distributed under separate cover)
2. Preliminary List of Permissible Land Uses for the E4 - Environmental Living Zone (Distributed under separate cover)
3. Letter from Inspire Planning on behalf of Mr Fred Soldatic and Mr Alfie Dimarco (Distributed under separate cover)
4. Current Zoning Map and Aerial Photograph of the land owned by Mr Soldatic and Mr Dimarco (Distributed under separate cover)
5. Letter from Smec Urban on behalf of Mr Noel Gray and Mr Michael Hansen (Distributed under separate cover)
6. Current Zoning Map and Aerial Photograph of the land owned by Mr Gray and Mr Hansen (Distributed under separate cover)
7. Letter from Mr Arif Mohammad (Distributed under separate cover)
8. Current Zoning Map and Aerial Photograph of the land owned by Mr Mohammad (Distributed under separate cover)
9. Correspondence from Mr and Mrs Ackerley and Mr and Mrs Russo (Distributed under separate cover)
10. Current Zoning Map and Aerial Photograph of the land owned by Mr and Mrs Ackerley and Mr and Mrs Russo (Distributed under separate cover)
11. Current Zoning Map and Aerial Photograph of Lot 1, DP 795498 and Lot 2, DP 126471, Amundsen Street, Leumeah (Distributed under separate cover)

#### **Purpose**

The purpose of this report is as follows:

1. To provide Council with a detailed overview of the findings and recommendations of the *Visual and Landscape Analysis of the Scenic Hills and the East Edge Scenic Protection Lands* (the Edge Lands), for the six landscape units within the Edge Lands
  2. To examine the implications of further possible limited development within the Edge Lands on biodiversity, wildlife corridors and general conservation outcomes
  3. To advise Council about the representations that have been made by owners of land within the Edge Lands
  4. To seek Council's endorsement of the recommended future zoning and subdivision standards for the Edge Lands, for incorporation into the new comprehensive Local Environmental Plan for the Campbelltown Local Government Area (LGA).
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## History

At its meeting on 18 October 2011, Council considered a report on the Draft *Visual and Landscape Analysis of the Scenic Hills and the East Edge Scenic Protection Lands* (the Visual Study). The report provided a detailed overview of the findings and recommendations of the Visual Study. After considering the report, Council resolved as follows:

- “1. That Council receive and note the *Visual and Landscape Analysis of the Scenic Hills and the East Edge Scenic Protection Lands* (the Visual Study).
2. That Council endorse the Visual Study as an important contributory element to help inform the preparation of the new comprehensive Local Environmental Plan for the Campbelltown Local Government Area.
3. That in regard to proposals for the [East] Edge Scenic Protection Lands, Council receive a further briefing which relates to the vegetation of these lands and to both Council’s Biodiversity Study, and the existing fauna dispersal corridors.”

On 22 November 2011, Council was provided with a presentation on biodiversity and the Edge Lands, in the context of both Council’s Biodiversity Study and the existing fauna dispersal corridors. This presentation was based on the findings of three key environmental studies that apply to the Edge Lands:

- the Natural Conservation Values Assessment – The Edge Scenic Protection Lands, Campbelltown, prepared by Conacher Travers in 2003 and 2004
- the Campbelltown Biodiversity Study, prepared by Eco Logical Australia in 2008 and
- the Visual Study, prepared by Paul Davies Pty Ltd and Geoffrey Britton, Environmental Design Consultant.

A detailed report on *Future Planning Directions for the East Edge Scenic Protection Lands* was presented to the Planning and Environment Committee (P&E Committee) on 6 December 2011. Mr Fred Soldatic addressed the P&E Committee and reinforced his previous requests for 4,000m<sup>2</sup> subdivision in the area. The P&E Committee resolved as follows:

*“That the decision of this matter be deferred and the location be listed for a future inspection.”*

The report, together with the P&E Committee’s recommendation, was considered by Council on 13 December 2011. Council resolved to adopt the P&E Committee’s recommendation to defer the report and undertake a site inspection.

A site inspection was undertaken on Tuesday 31 January 2012. Prior to the site inspection, two letters were received from owners of land within the Edge Lands. Another letter was received on 8 March 2012.

Earlier representations have also been made to Council staff by certain land owners who have now submitted letters to Council, and from other land owners, some of whom make regular verbal and some written enquiries regarding the future of the Edge Lands. All of the land owners who have made verbal or written representations to Council staff would like to have their land rezoned to allow subdivision and further development.

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On 20 March 2012, Council was provided with a briefing regarding the outcomes of the site inspection and an overview of the letters and enquiries that have been received from land owners.

## **Report**

This report addresses a comprehensive range of matters raised in previous reports and briefings to Council concerning the Edge Lands. The report is divided into four distinct parts:

Part 1: provides background information about the Edge Lands and sets a context for the remaining parts of the report.

Part 2: provides a detailed examination of the Visual Study and each of the six landscape units within the Edge Lands.

Part 3: provides a summary of the correspondence and enquiries that have been received by owners of land within the Edge Lands and other persons interested in the future planning for the Edge Lands.

Part 4: provides concluding comments and recommendations for Council's consideration in determining appropriate future planning directions for the Edge Lands.

## **PART 1 – CONTEXT**

### **The East Edge Scenic Protection Lands (The Edge Lands)**

The Edge Lands are located on the eastern edge of the existing Campbelltown urban area, and are separated from an extensive regional open space network (that runs along the Georges River) by a reservation for an arterial road that has not yet been built. The reservation is known as the Georges River Parkway Road Reservation. Both the Edge Lands and the road reservation also contain remnant Cumberland Plain Woodland and Shale Sandstone Transition Forest vegetation. Cumberland Plain Woodland is a critically endangered ecological community, and Shale Sandstone Transition Forest is an endangered ecological community as provided for under both the NSW *Threatened Species Act 1995* and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*.

The Edge Lands have been zoned for environmental protection purposes for over 30 years and have been recognised for their existing natural bushland and ecological values. The Environmental Planning Instrument (EPI) that applies to the area is Campbelltown (Urban Area) Local Environmental Plan 2002. The zones that currently apply to the Edge Lands are non-urban in their focus, with low-impact and small scale rural activities and rural-residential development, in an environmental setting, being permitted. The majority of the land is zoned 7(d4) Environmental Protection with a 2 hectare (ha) minimum lot size. A small proportion of the land is zoned 7(d6) Environmental Protection with a 0.4ha minimum lot size. Some of the existing allotments are already smaller than the minimum lot sizes, and almost all existing lots have a dwelling and/or other structures on them. There exists a small number of allotments that are vacant and have no or minimal development potential under the existing planning instrument. There are also some small pockets of land used for special purposes such as reservoirs and for public purposes.

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The Edge Lands also contain heritage items that should be conserved and any future development within the vicinity of these items will need to be carefully considered. These items include Stone Cottage, Eagleview House, and part of The Jug. It should also be noted that Keiraville is located in close proximity to the eastern boundary of this area.

### **Biodiversity and the Edge Lands**

A number of studies, undertaken over time, have examined different aspects of the environmental values of the eastern parts of the Campbelltown Local Government Area, including the Edge Lands.

In 1987, Wellings, Smith and Byrnes prepared *“An Environmental Study to Determine Possible Future Controls on Development in the Scenic Protection Area West of the Georges River Parkway”* which was updated in 1993. The study mapped the soils and vegetation types in the area from Macquarie Fields to Wedderburn, and concluded that some intensification of development in the Edge Lands for rural-residential development could be contemplated. The study was based on field work and was therefore considered to be accurate.

In 2003, Conacher Travers were engaged by Council to undertake a *“Natural Conservation Values Assessment – The Edge Scenic Protection Lands, Campbelltown”*. The Study was partly funded by Council and partly via funds that were collected from landowners with an interest in seeking to have their land rezoned and subdivided for either residential or rural-residential development. This study was further augmented in 2004 to include additional land and data. The study was based on field work. It identified areas of significant vegetation and environmental sensitivity and provided detailed information on flora and fauna for much of the land that comprises the Edge Lands. The study made recommendations relevant to Council's current considerations for future planning for the Edgelands. These included:

- All areas of native vegetation should be retained where possible (including within private allotments). The areas given a conservation value of medium or high should be retained and buffer zones of various widths should be provided
  - Where possible, individual native trees should be retained (including retention within future private allotments)
  - Applications for subdivision on land that has medium and high conservation value should be accompanied by a vegetation management plan
  - Additional targeted flora and fauna survey should occur within any area proposed for future development that have been assigned conservation values of medium or high. This is to provide more detailed assessment in the affected areas as opposed to the broad scale survey
  - The existing bushland areas that are part of existing corridors along Myrtle Creek and Peter Meadows Creek should be protected as part of any future development. Appropriate buffers should be protected for these areas and
  - The potential for areas to be revegetated, or existing degraded bushland areas to be regenerated to form corridors between existing remnants, should be considered in any future development rezoning proposals.
-

More recently, a specialist ecological consultant (Eco Logical Australia) was engaged by Council to prepare a *Biodiversity Study* for the entire Campbelltown Local Government Area. The study is based on regional vegetation mapping and aerial photographs. The data that was used is broad in scale and has not been ground-truthed, given the limited resources that were available at the time. However, wildlife corridors were mapped as part of this study. The *Biodiversity Study* was endorsed by Council in 2008. It did not make specific recommendations about the Edge Lands but only broader recommendations stating that the Georges River area should be managed to ensure the protection and conservation of biodiversity.

## **PART 2 – THE VISUAL STUDY, LANDSCAPE UNITS AND DEVELOPMENT MODEL**

### **The Visual Study**

In 2010, the Visual Study was prepared on behalf of Council by Paul Davies Pty Ltd, Architects and Heritage Consultants, and Geoffrey Britton, Environmental Design Consultant. The Visual Study was based on existing information, fieldwork and landscape analysis and referenced both the detailed environmental assessment in the Conacher Travers Study and the findings of the Biodiversity Study.

The aims of the Visual Study, as it relates to the Edge Lands, were to:

- identify areas within the Edge Lands that could be developed, those that could be developed subject to certain restrictions, and those that should not be developed due to visual and landscape sensitivity
- determine a definite boundary for urban growth between the existing urban area and the Edge Lands, and map this boundary so that it can be translated easily into Council's new LEP and
- recommend appropriate zones (in accordance with the Department of Planning and Infrastructure's (DPI) Standard LEP Template zones) land uses, subdivision standards and other development and environmental controls that will assist Council and the community in protecting the important values of the Edge Lands, and encourage the sustainable management of this area.

The Edge Lands were analysed as a cultural landscape to identify the topographical, historic, and cultural context of the area, major scenic landscape and environmental qualities and trends in development pressures on the area. The Edge Lands were then divided into six smaller landscape units reflecting the location of the lands, and the unique cultural landscape values, and each landscape unit was then analysed in detail with a focus on the existing vegetation and patterns of development on the identified scenic landscape values.

The Landscape Units within the Edge Lands are:

- E-LU1 – Evelyn Street to Oakley Road
  - E-LU2 – Oldsmobile Place
  - E-LU3 – Mercedes Road
  - E-LU4 – Eagleview Road
  - E-LU5 – Hansens Road and Junction Road
  - E-LU6 – Acacia Avenue.
-

The Visual Study concluded that in terms of future planning for the purposes of preparing Council's new comprehensive LEP), that the E4 - Environmental Living zone is the most appropriate zone for the majority of land within the area. The E4 zone would allow low-impact rural-residential development, and limit other land uses that would be likely to have a greater impact on the sensitive environmental qualities of the area. A proposed preliminary list of permissible land uses within the E4 zone is shown as Attachment 2 to this report. In some parts of the Edge Lands, some increase in the density of development may also be possible, provided that the detailed subdivision design and siting of buildings does not compromise the overall environmental value and bushland qualities of the landscape, especially when other issues such as bushfire protection for any new dwellings is addressed. This possible development scenario will need to be discussed in detail with the DP&I during the preparation of the new comprehensive LEP.

It is important to note that the areas identified as being unsuitable for intensification of development in the Visual Study correspond largely with the environmentally sensitive areas identified in the Conacher Travers Study that was commissioned by Council in 2003. In addition, the wildlife corridors identified in the Biodiversity Study did not affect landscape units 1 to 5, while landscape unit 6 is identified as containing part of a wildlife corridor. These environmentally sensitive areas contain a large variety of native species and assist in preserving biodiversity within the Campbelltown LGA.

In addition, areas of critically endangered and endangered ecological communities occupy significant tracts of land within the Edge Lands. When taken into consideration, in conjunction with existing subdivision patterns and allotment boundaries, this means that in some parts of the Edge Lands, development potential is significantly constrained. Therefore, any attempt to seek to increase the development potential over such constrained land is likely to be met with resistance from the NSW Office of Environment and Heritage (OEH).

Given that the OEH has a statutory input into the preparation of the new comprehensive LEP, Council needs to be mindful that the extent and intensity of new development in areas occupied by vegetation which is of high and medium conservation value (ie, endangered ecological communities) may end up being nil or marginal at best.

The Visual Study also found, for the Edge Lands in general, that:

- the existing boundary between the existing urban and non-urban areas is generally correct, with some minor adjustments being considered appropriate
  - the Edge Lands should be seen as an area of environmental transition between the urban area of Campbelltown and the proposed Georges River Parkway Road which, when developed, would provide a clear and well defined urban edge
  - most of the land that is currently zoned 'environmental protection' should maintain a similar zoning in the future
  - some of the land that currently has a two ha minimum subdivision standard could be suitable for more intensive development (providing that strict development controls are used to preserve the landscape and environmental qualities of the land)
  - if the recommended design controls for development are not complied with, the two ha minimum subdivision standard should be retained in the areas where it currently applies
  - the land to which the existing 0.4ha subdivision standard applies should generally retain this minimum lot size
  - due to the existing vegetation and other natural constraints, not all land in this area would be capable of achieving subdivision and further development
-

- any subdivision within this area should be subject to a site specific masterplanning process to ensure that optimal lot and appropriate planning outcomes are achieved, that are not overly restricted or constrained by existing property boundaries and ownership patterns.

The Visual Study includes “model” design controls for development that would allow for a potential increase in density whilst minimising the likelihood for harm to the landscape and environmental qualities of the area. It is based on the principle of protecting sensitive vegetation and ‘clustering’ dwellings in less sensitive areas, with access provided by a common driveway.

The Visual Study also made specific findings and recommendations for each landscape unit, which are summarised in the following sections of this report.

**1. E-LU1 – Evelyn Street to Oakley Road**

The prevailing character of this landscape unit is that of a substantially undeveloped bushland edge, with tall forest trees prominent in views and contributing to the environmental qualities of the landscape. It contains two substantial areas of vegetation of high conservation value, one area of vegetation that is of medium conservation value, and the remainder of the vegetation is of low conservation value. Existing development includes small rural-residential properties with dwellings and non intensive rural uses such as horse grazing. Existing allotments within this landscape unit range in size between 0.05ha and 2.4ha, with the majority of lots between one and two hectares in size.

This landscape unit provides a non-urban break between existing suburban residential development and the reservation for the proposed Georges River Parkway. The undeveloped paddocks and forest trees would continue to provide an effective buffer between the Georges River Parkway (when built) and the residential area of Macquarie Fields to the north.

Some parts of this landscape unit may have the capacity to accommodate some limited increase in the density of development, although it should be noted that, due to the identified environmental and scenic landscape constraints (as discussed above), these opportunities are not evenly distributed. It must be noted that due to the presence of native vegetation of high and medium conservation value, some lots are likely to have no or very little potential for an increase in density of development over that which is permitted already.

| <b>Current Zoning(s)</b>                    | <b>Proposed Future Zoning(s)</b>   |
|---|--|
| 7(d4) – Environmental Protection            | E4- Environmental Living   |
| <b>Current Minimum Lot Size(s) Standard</b> | <b>Proposed Minimum Lot Size(s) Standard</b>   |
| 7(d4) – 2ha minimum                         | E4 – 1ha minimum (if urban bushland development model is used)<br><br>E4 – 2ha minimum (if urban bushland development model is not used) |

Please note: The Urban Bushland Development Model is discussed later in this report.



**2. E-LU2 – Oldsmobile Place**

This landscape unit consists of one lot that is 2,248m<sup>2</sup> in area and which contains a recently constructed dwelling. The land has been generally cleared and does not contain any significant stands of native vegetation. There is no further subdivision potential at the present time due to the recent investment in improvements to the land. Any future redevelopment of the land could result in additional dwellings being located on the land, but access and noise issues would need to be carefully considered as the lot is located adjacent to the Georges River Parkway Road Reservation. The reason why this lot was excluded from the residential zoning during the preparation of LEP 2002 is not known.

The landscape unit does not demonstrate any notable scenic landscape or environmental values and should be managed as part of the urban area, and urban planning standards applied.

| <b>Current Zoning(s)</b>                    | <b>Proposed Future Zoning(s)</b>  |
|---|---|
| 7(d4) – Environmental Protection            | R2 – Low Density Residential  |
| <b>Current Minimum Lot Size(s) Standard</b> | <b>Proposed Minimum Lot Size(s) Standard</b>  |
| 7(d4) – 2ha minimum                         | R2 – 500m <sup>2</sup> (current minimum lot size in the adjoining residential area) |

**3. E-LU3 – Mercedes Road**

The prevailing character of this landscape unit is semi-rural with a good quality natural bushland edge. It contains significant stands of native vegetation, particularly at the southern end of the unit, where most of the vegetation is of high and medium conservation value. The northern and north eastern edges of the landscape unit also contain vegetation of medium and high conservation value respectively. The tall woodland and bushland trees provide a backdrop to views over the landscape. The southern-most portion of the area demonstrates a particularly high quality bushland edge character in addition to its high ecological value, with low density dwellings nestled under the tree canopy. There is also an open area and a significant stand of trees towards the centre of the unit, near Mercedes Road, that has been identified as having high landscape value. Existing lots within this landscape unit range in size between approximately 0.2ha and 3.24ha, with the majority of lots being between 1ha and 2.2ha in area.

A heritage item, an early stone cottage and its outbuildings, are located within this landscape unit, near the intersection of Bensley Road and Mercedes Road, and it contributes to the aesthetic qualities of the unit. The existing landscape qualities in the vicinity of this heritage item should be preserved.

Poultry farming, which is one of the few surviving intensive industries in the Edge Lands, is also evident in this landscape unit as it contains two existing chicken farms.

Some parts of this landscape unit may have the capacity to accommodate a slightly higher density of development, although it should be noted that, due to the identified environmental and scenic landscape constraints (as discussed above), these opportunities are not evenly distributed. Some lots have no or very little potential for increases in the density of development over that which is permitted already. Some land use conflicts may also arise due to the presence of active rural industries.

The current boundary between the urban and non-urban areas, in terms of character, aligns with the existing boundary between the 2(b) Residential and the 7(d4) Environmental Protection zones. It is recommended that this existing boundary be generally retained.

| <b>Current Zoning(s)</b>                    | <b>Proposed Future Zoning(s)</b>   |
|---|--|
| 7(d4) – Environmental Protection            | E4- Environmental Living   |
| <b>Current Minimum Lot Size(s) Standard</b> | <b>Proposed Minimum Lot Size(s) Standard</b>   |
| 7(d4) – 2ha minimum                         | E4 – 1ha minimum (if urban bushland development model is used)<br><br>E4 – 2ha minimum (if urban bushland development model is not used) |

#### **4. E-LU4 – Eagleview Road**

This is a large landscape unit that demonstrates a rich diversity of scenic landscape character. The north-western area and southern-most tip are semi-urban or large-lot residential, whereas the north-east area reads as natural bushland, and is the location of significant stands of native vegetation of high and medium conservation value. There are also significant stands of native vegetation of high and medium conservation value towards the southern end of the unit, south of Ben Lomond Road. The central area is more rural in its character, with many recently constructed houses on open grassed slopes. The land to the west of Eagleview Road is currently being redeveloped as part of the major Minto Renewal Project.

In the area currently zoned 7(d4), the existing lot sizes range between 0.5ha and 3.3ha with the majority of lots between 2ha and 2.4ha. In the area zoned 7(d6), lots range in size between 0.08ha and 1.5ha, with the majority of the lots being between 0.4ha and 0.5ha in area.

The ridgeline within this landscape unit is significant and both local and distant views should be protected from encroachment by any potential future development through the use of appropriate landscaping.

The local heritage items “Eagleview House” and “The Jug” are also located within this landscape unit, and both the items and their settings should be conserved. However, it should be noted that the road reservation for the Georges River Parkway dissects the land on which “The Jug” is located and the construction of the Parkway may have a significant impact on the heritage item and its curtilage.

The area south of Ben Lomond Road is characteristic of Sydney’s traditional urban-bushland interface, with a range of lot sizes and land uses, including a place of public worship, all set in a tree-filled landscape. The southern-most tip of the landscape unit is more densely settled and is primarily large-lot residential.

Some parts of this landscape unit may have the capacity to accommodate some limited increase in the density of development, although it should be noted that, due to the identified environmental and scenic landscape constraints (as discussed above), these opportunities are not evenly distributed. Some lots have no potential for increases in the density of development over that which is already permitted.

The cleared land along much of the eastern edge of this unit will mean that the Georges River Parkway will be highly visible from many existing properties (particularly many of those located between Ashmead Road and Ben Lomond Road), unless screen planting is established.

| <b>Current Zoning(s)</b>                    | <b>Proposed Future Zoning(s)</b>   |
|---|--|
| 7(d4) – Environmental Protection            | E4- Environmental Living   |
| 7(d6) – Environmental Protection            | E4 – Environmental Living  |
| <b>Current Minimum Lot Size(s) Standard</b> | <b>Proposed Minimum Lot Size(s) Standard</b>   |
| 7(d4) – 2ha minimum                         | E4 – 1ha minimum (if urban bushland development model is used)<br><br>E4 – 2ha minimum (if urban bushland development model is not used) |
| 7(d6) – 0.4ha minimum                       | E4 – 0.4ha minimum   |

**5. E- LU5 – Hansens Road and Junction Road**

This landscape unit is dominated by its vegetation cover and low-density land uses. It has retained an environment that is high in scenic landscape and environmental values. The northern half of the unit, and particularly the land in the north-eastern part of that area, contains several stands of native vegetation that are of medium conservation value, with one significant area of vegetation of high conservation value. Most of the land in the north-western area is of low conservation value. The southern part of the landscape unit contains significant stands of native vegetation of high conservation value, one area of medium conservation value, and some areas of low conservation value. This landscape unit also includes a significant ridgeline that should be protected. The existing lot sizes within the landscape unit range between 0.02ha and 2.4ha, with the majority of the lots being between 1ha and 2ha in size.

The scenic landscape values extend beyond the current boundaries of the landscape unit and over the adjacent reserve on the western side of Amundsen Street (Biehler Reserve), part of Leumeah High School, the water reservoir, and two lots near the reservoir (accessed by Debenham Avenue). One of these lots has an ‘urban’ scale and character and could be considered as part of the urban area. The other lot extends further into the landscape unit and should be managed as part of the landscape unit, along with the other existing land uses referred to above.

It is also important to note that the local heritage item “Kiera-ville” is located just outside the north-eastern boundary of this landscape unit, and the construction of the Georges River Parkway will have a significant impact on the heritage item and its curtilage.

Some parts of this landscape unit may have the capacity to accommodate some limited increase in the density of development, although it should be noted that, due to the identified environmental and scenic landscape constraints (as discussed above), these opportunities are not evenly distributed. Some lots have no or very little potential for increases in the density of development over that which is permitted already.

| <b>Current Zoning(s)</b>  | <b>Proposed Future Zoning(s)</b>   |
|---|--|
| 7(d4) – Environmental Protection<br><br>5(a) Special Uses (Reservoir) | E4- Environmental Living<br><br>SP2 – Infrastructure (to be discussed with Sydney Water)   |
| <b>Current Minimum Lot Size(s) Standard</b>                           | <b>Proposed Minimum Lot Size(s) Standard</b>   |
| 7(d4) – 2ha minimum   | E4 – 1ha minimum (if urban bushland development model is used)<br><br>E4 – 2ha minimum (if urban bushland development model is not used) |

## 6. E- LU6 – Acacia Avenue

This landscape unit is located in the south-eastern corner of the suburb of Ruse. The unit is small in area with modest residential dwellings and a local church lining its northern edge, and thick bushland surrounding the remaining edges. The unit contains some high quality old-growth eucalypts lining the carriageway of Acacia Avenue that contribute significantly to the aesthetic quality of this streetscape and carry the bushland quality of the surrounding landscape into the urban area. The Conacher Travers Study did not investigate this landscape unit. However, information derived from the Biodiversity Study shows that the majority of vegetation within this unit is of high biodiversity value.

The small area of open space immediately to the west of the church (Mary Doherty Reserve) contains a healthy stand of native trees. These trees add significantly to the visual quality of the unit, by terminating its western end and providing a buffer to the adjoining residential area. The trees also form part of a wildlife corridor identified in the Campbelltown Biodiversity Study.

The landscape unit ‘reads’ as including the whole of the area bounded by the existing roads, but the proposed Georges River Parkway will excise almost one third of this land.

The existing lot sizes within the landscape unit range between 0.035ha and 1ha, with approximately half of the lots under 0.5ha and the other half of the lots above this size.

Some parts of the landscape unit may have the capacity to accommodate a limited increase in the density of development. However, due to environmental and scenic landscape constraints (discussed above), this potential is not distributed evenly. Some lots have no or very little potential for an increase in the density of development over that which is permitted already.

| <b>Current Zoning(s)</b>                    | <b>Proposed Future Zoning(s)</b>   |
|---|--|
| 7(d4) – Environmental Protection            | E4- Environmental Living   |
| <b>Current Minimum Lot Size(s) Standard</b> | <b>Proposed Minimum Lot Size(s) Standard</b>   |
| 7(d4) – 2ha minimum                         | E4 – 1ha minimum (if urban bushland development model is used)<br><br>E4 – 2ha minimum (if urban bushland development model is not used) |

### **The Bushland Development Model**

The Visual Study also includes a proposed model for development on the bushland edge, which establishes a set of principles to allow for some additional development whilst minimising the impacts of new structures on existing scenic landscape and environmental values. This model also establishes a template for providing for the rehabilitation of degraded vegetation and its long-term management, as part of future development schemes.

The principles of the Model are as follows:

1. The detailed design and theoretical development capacity of any individual property or group of properties within the Landscape Unit will be modified (and may be significantly reduced) by the circumstances of the site; including the presence of significant (high or medium value) ecological communities and landscape elements and/or the need to protect the integrity of the aesthetic qualities of the landscape, including views to and from ridgelines.
2. Significant vegetation is not to be cleared to create or enlarge a building area.
3. Any development on the bushland edge is to be undertaken in a co-ordinated manner. A masterplanned approach is encouraged for any development and land owners may need to work collaboratively in order to achieve an acceptable planning outcome.
4. Any development is required to be designed, constructed and maintained to conserve the environmental and visual qualities of the Landscape Unit (as identified in the Conacher Travers Study and the Visual Study).
5. The size and location of the ‘build area’ of any property will be determined taking into account the identified environmental and scenic landscape qualities of the landscape of the property and land in the vicinity, including the need to retain a viable buffer around areas of environmental significance (areas of high or medium conservation value, significant ridgelines or other visually significant trees or landscape elements).
6. The area available for building will also be constrained by the requirement to provide asset protection zones to prevent the spread of bushfire. The amount of land required for asset protection will depend on the location of the land being considered for development in relation to existing roads and the proposed Georges River Parkway. Development may not be possible if both appropriate ‘build areas’ and asset protection zones cannot be accommodated within a proposal.

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7. Internal access roads and driveways are to be shared to minimise their visual and physical impact on the aesthetic and environmental values of the landscape and prevent the introduction of additional driveways and infrastructure to the landscape unit.
8. A sound attenuation barrier be required between the Edge Lands and the Georges River Parkway. Any sound attenuation barrier is to be recessive in appearance and blend with the surrounding landscape. This barrier would need to be constructed as part of the design of the new road.
9. Planting of the roadside verges is to use indigenous bushland species planted in a non-regular pattern.
10. Any vehicular safety barricades required (along existing roads, any new roads and the proposed Georges River Parkway) should be designed and constructed to achieve a visually recessive appearance. Safety barricades are preferred instead of the removal of trees along roadsides.
11. Planting is required to be established between development areas and the roadsides to maintain the bushland setting and character of the area.
12. The Georges River Parkway will provide a partial fire break between the bushland to the east and the Landscape unit when constructed.
13. Requirements of the NSW Rural Fire Service for cleared areas or setbacks between vegetation and buildings are not to be used to justify significant clearing of vegetation and may therefore mean that development is not possible on a particular property.
14. Existing degraded vegetation is to be rehabilitated, as part of the subdivision process, and conserved and managed via private covenants over the land.

### **PART 3 – REPRESENTATIONS FROM LAND OWNERS**

A number of land owners within the Edge Lands have a keen and long-standing interest in having their land rezoned to allow further subdivision and more intensive development.

When the draft new comprehensive LEP is prepared, it will be placed on public exhibition and all land owners and members of the community will have the opportunity to lodge written submissions at that stage. Any submissions received during the exhibition period will be considered when the new LEP is being finalised.

While landowners have not been formally invited to make submissions to the report that was presented to Council on 13 December 2011, correspondence was received from some land owners who have an on-going interest in the future plans for the Edge Lands. The correspondence expresses the desire of seven land owners to pursue rezoning and subdivision opportunities in regards to their land.

The four letters that were received are from:

1. Inspire Urban Design and Planning on behalf of Mr Fred Soldatic and Mr Alfie Dimarco
  2. Smec Urban on behalf of Mr Noel Gray and Mr Michael Hanson
  3. Mr Arif Mohammad
  4. Mr and Mrs Ackerley and Mr and Mrs Russo.
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It should also be noted that other land owners have written to Council in the past regarding the possibility of having their land rezoned for subdivision. A number of letters have been received from Mr Clarke and the Lucas Property Group.

A number of other land owners have also made verbal enquiries to Council staff regarding both the future of the Edge Lands in general and specific parcels of land within their ownership.

In general, the letters referred to above, and the verbal enquiries, request planning changes to permit more intense forms of residential development than those that are currently permissible or those that are currently being contemplated by Council to be included in the new Comprehensive Local Environmental Plan (new LEP). In effect, the letters request development over and above that which is supported by the findings and recommendations of the Visual Study.

Before considering the land owner requests, it is important to note that the reasons why the area known as the Edge Lands was zoned for environmental protection purposes in the 1970s. It is important to note that at this time other land in nearby areas was being rezoned for urban development. These reasons include:

- Proximity to the Georges River
- That the vast majority of the land drains directly to the Georges River
- That the land contains some significant stands of remnant vegetation
- Proximity to the heavily vegetated Georges River Regional Open Space Corridor
- That the land adjoins the reservation for the proposed Georges River Parkway Road
- That the land provides an area of transition between urban and bushland areas
- The important visual and scenic landscape character, including the semi-rural bushland character of much the land.

These reasons have been derived and compiled from analysing topographic maps, aerial photographs and previous zoning maps.

Council has continued to value the importance of the Edge Lands since this time, and despite the aspirations of some of the land owners in the area, the land has never been earmarked for urban release. In addition, Council has not been approached by any major land or housing developer in relation to the Edge Lands.

It is also important to note that the development of the subject land is not required in order for Council to meet its subregional dwelling target for the provision of approximately 25,000 new dwellings by 2031. Significant residential land supply is already catered for in new urban release areas at Glenfield, Edmondson Park and Menangle Park, and in the South West Growth Centre which incorporates East Leppington.

### **Letter from Inspire Urban Design and Planning**

The letter from Inspire Urban Design and Planning, on behalf of Mr Soldatic and Mr Dimarco puts forward a land use proposal for land bounded by Bensley, Oxford and Mercedes Roads, Ingleburn. Mr Soldatic owns Lot 47, DP 595243 which has an area of 3.242 hectares, a small portion of which will be required for the construction of the Georges River Parkway, and Lot 3, DP 597774 which has an area of 2.138 hectares. Both of these lots have frontage to Bensley Road. Mr Dimarco owns Lot 4, DP 261609, which has an area of 1.749 hectares, and is located behind the land owned by Mr Soldatic. Mr Dimarco's land has frontage to Oxford Road. The subject land forms part of Landscape Unit E-LU3 as identified in the Visual Study.

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The letter states that the subject land is generally cleared, unencumbered and currently used for grazing and rural residential pursuits, with part of the land being within the reservation for the proposed Georges River Parkway Road. Inspire Planning states that the land has little scenic landscape value, being substantially cleared and disturbed, and that any scenic landscape value will be further eroded when the Georges River Parkway is eventually constructed and the required sound attenuation barriers are established.

The letter refers to the Conacher Travers *Natural Conservation Values* Report (2003), which found that much of the land had low conservation value due to significant clearing, high level of disturbance and little potential for regeneration, and suggested the potential for a minimum lot size of 1 hectare. In 2004, Council resolved to support a proposal to rezone the land to allow 1 hectare subdivision, but the landowners requested that the subdivision standard be further reduced to 0.4 ha. Council did not support the landowners' request.

The letter proposes that the minimum subdivision size for properties bounded by Bensley, Oxford and Mercedes Roads be reduced to 0.4ha, on the basis that the proposed subdivision size and associated dwelling entitlement will not impact on the environmental and scenic landscape protection values and objectives that have been identified for the Edge Lands. This is consistent with the proposal put forward by the landowners in 2004 that was not supported by Council.

In addition, the letter states that the benefits of the proposal include:

- The proximity of the land to the Ingleburn Town Centre and Ingleburn Railway Station, and the associated facilities and services
- The positive economic impact of the development on the Ingleburn Town Centre
- The rarity of having large parcels of land that could be developed for housing proximate to a Town Centre with immediate rail access
- The land has good access to the local road network
- Developing the land would result in an increase in local housing and housing choice
- The land has access to a comprehensive range of facilities and services in the broader Campbelltown LGA
- The land is proximate to major investment in Growth Centre infrastructure
- The proposal is of a scale that is capable of achieving complementary environmental outcomes.

**Comment:**

The subject land has been the focus of significant discussion and review for at least ten years. The natural and physical characteristics vary across the subject land. The vegetation cover is sparse over most of the land owned by Mr Soldatic and Mr Dimarco, but there are some stands of trees that are significant in size. The nature and extent of built improvements on the subject land also varies considerably, as does the fencing and landscaping treatment at the perimeter of these lots.

The subject land represents a significant open woodland remnant extension of the heavily vegetated Georges River Corridor and an edge that should be preserved. It should not be jeopardised by the encroachment of low density residential development on 4000m<sup>2</sup> allotments and the associated effects that such development could have on adjoining land. Such encroachment could affect the viability of remnant bushland and its biodiversity values. It should also be noted that the land drains towards the Georges River.

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Inspire Planning's view that the landscape unit has little scenic landscape value is not substantiated. The land represents an important transition landscape as is reflected in the comprehensively documented Visual Study.

It is acknowledged that the proposed future Georges River Parkway, inclusive of an integrated sound attenuation barrier, will disrupt the physical continuation of the landscape. This however, is not considered to be justification to support the comprehensive 4,000m<sup>2</sup> development of the landscape unit. There would be a significant number of people using the immediate local roads that have uninterrupted visual access to the local scenic landscape character.

If a subdivision standard of 4000m<sup>2</sup> were to be applied to the landscape unit, the subsequent development of the land would produce a landscape that is demonstrably urban in character, as people generally seek to build traditionally large footprint dwellings in largely manicured garden settings and accompanied by substantial outbuildings.

Scenic landscape character and biodiversity aside, the proposal is not considered to be justified on the other grounds put forward in the letter. At a distance of 1.9 kilometres from the Ingleburn Town Centre, the land cannot be considered to be in proximity to the centre, and development of the subject land is unlikely to have any discernable impact upon the economic viability of that centre.

Further, at a scale of approximately seven hectares, the subject land does not fulfil the typical criteria of a large parcel with development prospects and as noted above it is not considered to be proximate to a rail focussed town centre.

Development of the nature proposed in the letter would deliver diversity in housing types and accordingly lifestyle choice. At a lower density in an embellished woodland setting, as proposed in the Bushland Development Model, the lifestyle housing choice is likely to be more pronounced.

Any form of development in the locality would benefit from access to the comprehensive range of facilities and services that are available in the broader Campbelltown LGA. In addition, the benefits that are said to be achievable by the subject land adjoining a designated Growth Centre are considered modest and would also be available to development at a lower density.

The proposal to create 4,000m<sup>2</sup> blocks is likely to adversely impact scenic landscape protection and bushfire management. A lower density residential option as promoted in the application of the Bushland Development Model at a one hectare minimum lot size is likely to be more successful in achieving complementary environmental protection, retention of scenic landscape character and bushfire hazard management.

In light of the above comments, it is recommended that the contents of the letter from Inspire Planning and Urban Design be noted, but that Council not depart from the recommendations contained in the report on *Future Planning Directions for the East Edge Scenic Protection Lands* which was presented to Council on 13 December 2011. These recommendations are consistent with the findings of the Visual Study.

The Visual Study (2010), which was recently endorsed by Council as an important contributory element to inform the preparation of the new LEP, reinforced the findings of the Conacher Travers Study in relation to the subject land.

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### **Letter from Smec Urban**

This letter was prepared by Smec Urban on behalf of Mr Noel Gray and Mr Michael Hansen. The letter puts forward a land use proposal for the owners of the land extending between Evelyn Street and Oakley Road, Macquarie Fields. In brief, it proposes an extension of the “ribbon” of low density suburban scale residential development along the Evelyn Street frontage. Mr Gray owns Lot 305, DP 263295, which has an area of 9,500m<sup>2</sup> or 0.95 hectares. Mr Hansen owns Lot 8, DP 826459, which has an area of 1.654 hectares. The proposal as a concept also includes the front portions of the lots located between those owned by Mr Gray and Mr Hansen. The subject land forms part of Landscape Unit E-LU1 – Evelyn Street to Oakley Road as identified in the Visual Study.

The letter questions the qualities of the vegetation and the landscape setting put forward by Conacher Travers and Council and highlights the following matters:

- the landscape character and biodiversity value of Lot 305 has been substantially altered with the Council approved construction of a dwelling and related vegetation removal
- the prospects of recovering the lost conservation value is remote, given the impact of the dwelling, its associated improvements and ancillary circulation areas, and the need for asset protection zones
- the value of the remaining vegetation is diminished due to its reduction in size and connectivity with the larger environmental corridor extending to the Georges River
- the impact of sound attenuation structures associated with the Georges River Parkway on visual landscape connectivity.

The letter promotes the consistency of the proposal with existing residential development to the immediate east of the subject land on the southern side of Evelyn Street. It also espouses the broader benefits of further residential development in the area, including better utilisation of local infrastructure, accessibility to human facilities and services, and the acceptability of traffic impacts.

### **Comment:**

It is acknowledged that Mr Gray has recently erected a dwelling and undertaken related vegetation clearing on Lot 305, with Council approval. This should not, however, be considered to represent a precedent to remove the balance of the vegetation on other parts of Lot 305 and adjoining land so as to permit a strip of low density residential development.

Importantly, the vegetation on the subject land still retains a degree of intactness and would be capable of being embellished to further enhance its biodiversity and landscape qualities, without compromising the required bushfire protection measures. The vegetation to the rear still provides opportunities for an enhanced corridor linkage with the Georges River vegetation and habitat corridor. In addition, the land drains towards the Georges River.

The alignment of Evelyn Street is such that various viewing opportunities of the unique non-urban interface are available to people travelling along the street. These opportunities should not be further compromised by allowing additional residential development to occur.

It should be noted that the “Bushland Development Model” espoused in the Visual Study provides a limited opportunity for adjoining land owners to group together to realise some opportunity for subdivision and subsequent residential development at a very low non-urban density without completely compromising ecological and visual outcomes.

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The potential provision of a noise attenuation barrier attached to a future Georges River Parkway is not considered a solid justification for the proposal as outlined in the letter. The integration of a design for any future sound barrier with the surrounding environment would need to be paramount to the acceptability of proposals to construct the Georges River Parkway.

The arguments put forward regarding the proposed development capitalising on existing infrastructure and facilities and services are noted, but are considered to be of limited significance compared to the higher order ecological and visual landscape character considerations.

The heavily vegetated land to the immediate west of Lot 305 has not been diminished in terms of its biodiversity values and corridor linkage opportunities and should not be considered to have any residential opportunity for that component of the site fronting Evelyn Street.

Similarly, and despite not exhibiting any significant biodiversity values or landscape qualities, the land further to the west, including Mr Hansen's land (Lot 8) presents as an important non-urban area of open landscape and contributes to the important non-urban interface qualities of E-LU1. These lands may also have some limited development opportunities if a minimum lot size of one hectare and the Bushland Development Model are applied. Realisation of the benefits of applying the Model would require significant revegetation or conservation initiatives and collaboration between existing land owners to achieve an appropriate planning outcome.

In light of the above comments, it is recommended that the contents of the letter from Smec Urban be noted, but that Council not depart from the recommendations contained in the report on *Future Planning Directions for the East Edge Scenic Protection Lands* which was presented to Council on 13 December 2011. These recommendations are consistent with the findings of the Visual Study.

The Visual Study (2010) reinforced the findings of the Conacher Travers Report (2003) regarding the quality of the vegetation in the area. It noted the substantially intact bushland, with two important areas of vegetation of high conservation value, and the non-urban character of the break between existing suburban residential development and the reservation for the proposed Georges River Parkway.

#### **Letter from Mr Mohammad**

Mr Mohammad has submitted a letter to Council in which he requests that his land at Lot 11, DP 24328, No. 11 Oakley Road, Macquarie Fields, be rezoned to allow subdivision. Lot 11 is 3.277 hectares in size. Approximately one third of the site is within the reservation for the proposed Georges River Parkway and is zoned for a future arterial road. Parts of the subject land contains native vegetation, however, this vegetation has not been identified as being of high or medium conservation value.

Mr Mohammad puts forward the following preferences for the rezoning of his land:

1. Residential zoning that would allow the land to be subdivided into lots within a minimum size of 600m<sup>2</sup> with the possibility of some lots of 800m<sup>2</sup> and above in size
  2. The creation of eight lots of 0.4 hectares in size, each with a dwelling entitlement
  3. Four lots of 0.8 hectares.
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Mr Mohammad also states that if access from Evelyn Street can be achieved, any future development would have two access points and could have the potential to be a gated community.

Mr Mohammad makes the following points in support of his request:

- there is existing residential development on the opposite side of Evelyn Street
- further subdivision would be consistent with the current concept plans for a dwelling on the site
- the land does not have any notable scenic or environmental issues.

Mr Mohammad also expresses his ideas for developing the land in a sustainable manner. He discusses possible options for providing sewer and stormwater drainage, the sustainability of future dwellings in terms of their energy rating and the materials from which they could be constructed, and the collection of rain water. He also discusses the removal of old and dangerous trees and other vegetation as may be required by the proposed development, and the landscaping of the development with indigenous species.

**Comments:**

Mr Mohammad's land forms part of landscape unit E-LU1 and adjoins the rear of Mr Gray's land and forms part of the non-urban interface that can be viewed from Evelyn Street. Mr Mohammad's land currently has access from Oakley Road. There is no existing access to Evelyn Street. The existing access is likely to be compromised when the Georges River Parkway is constructed.

The Visual Study (2010) acknowledged the important scenic landscape and environmental characteristics of the landscape unit and recommended that the current two hectare minimum subdivision standard that applies to E-LU1 could be reduced to one hectare, subject to implementation of the Bushland Development Model. However, it was not supportive of the creation of new lots smaller than one hectare in size.

Lot 11 contains some stands of remnant vegetation of low conservation value but the land forms an integral part of the landscape unit. The land also drains towards the Georges River.

Subdivision of land to enable the creation of one hectare lots, where appropriate, having regard to the existing vegetation and landscape, could also be carried out in a manner consistent with Mr Mohammad's ideas for creating an area of sustainable housing. In addition, the idea of creating a gated community is not supported as it would be inappropriate in a rural-residential context.

In light of the above comments, it is recommended that the contents of the letter from Mr Mohammad be noted, but that Council not depart from the recommendations contained in the report on *Future Planning Directions for the East Edge Scenic Protection Lands* which was presented to Council on 13 December 2011. These recommendations are consistent with the findings of the Visual Study.

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The Visual Study (2010) reinforced the findings of the Conacher Travers Report (2003) regarding the quality of the vegetation in the area. It noted the substantially intact bushland, with two important areas of vegetation of high conservation value, and the non-urban character of the break between existing suburban residential development and the reservation for the proposed Georges River Parkway.

### **Correspondence from Mr and Mrs Ackerley and Mr and Mrs Russo**

Mr and Mrs Ackerley and Mr and Mrs Russo are the owners of lots in Eagleview Road at Minto. The Ackerleys own No. 223 Eagleview Road and the Russos own No. 225 Eagleview Road. Both properties are approximately 0.4 hectare (4200m<sup>2</sup>) in size. The landowners are requesting that their land be rezoned for residential purposes and subdivision into standard residential lots.

The landowners believe that their land should be rezoned as the required infrastructure is already in place. This infrastructure includes essential services such as electricity, gas, telephone, sewer and stormwater. Social infrastructure such as schools and recreation areas are also located nearby.

The landowners also believe that their land should be rezoned as the existing suburban development is in close proximity to the location of their properties, and the rezoning of their land for residential purposes would not impact on the 2 hectare lots within the Edge Lands as they are not visible from Nos. 223 and 225 Eagleview Road.

### **Comment:**

The subject land has been zoned for environmental protection purposes since the 1970s. The decision to retain this land as part of the Edge Lands is likely to have been made due to the fact that the lots are located on a prominent ridge line. Each lot already contains a substantial dwelling.

The availability of physical and social infrastructure in itself is not grounds to justify rezoning the land for residential subdivision and subsequent development.

In many local government areas there are places where suburban development ends and the transition to land with a non-urban character begins. This transition area is often characterised by lots that are larger than standard residential lots and that have been designed to accommodate semi-rural or 'lifestyle' housing opportunities. Regardless of where this transition area is located, there will always be pressure from land owners in that area to allow the suburban area to expand outwards to include their land. If Council were to allow the subject land to be rezoned and subdivided for standard residential development, this would not resolve the issue of transition but would simply displace it, and risk creating a precedent.

In light of the above comments, it is recommended that the contents of the correspondence from Mr and Mrs Ackerley and Mr and Mrs Russo be noted, but that Council not depart from the recommendations contained in the report on *Future Planning Directions for the East Edge Scenic Protection Lands* which was presented to Council on 13 December 2011. These recommendations were based on the findings of the Visual Study. In particular it is recommended that Council retain an environmental zoning and a minimum lot size of 0.4 hectare (4000m<sup>2</sup>) over the land that is currently zoned 7(d6).

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### **Earlier Enquiries from other Land Owners**

Council staff are in receipt of regular telephone enquiries from the owners of land within the Edge Lands and in some cases from others who are either representing the interests of the land owners or their own interests in securing the land because they are most likely anticipating possible future development.

Some of the land owners who make regular enquiries have land which is already 0.4 hectares in size and which they would like to have rezoned for traditional sized residential lots and subsequent residential development. Others who make regular enquiries are owners of land with a two hectare minimum subdivision standard who are requesting either residential subdivision or the creation of smaller 'lifestyle' lots.

Landscape Unit E-LU5 contains some land (particularly in the north western part of the landscape unit) that is of low conservation value, as the land is largely cleared. A landowner in this area who has land fronting Amundsen Street, Leumeah, and a property developer with an interest in that land, have made regular enquiries about the possible future rezoning of the land for residential use over at least the last five years. This land is mostly clear of vegetation as the land was previously used for farming. The assumption could be made that the land is therefore suitable for urban development, however, this land is located on the ridgeline and it therefore visually prominent. Most parts of the land also drain towards the Georges River. These are some of the reasons why residential zoning, urban development or subdivision to 4000m<sup>2</sup>, is not appropriate in other parts of the Edge Lands.

However, it could be argued that the part of the land with direct frontage to Amundsen Street (namely part of Lot 1 DP 795498 and part of Lot 2 DP 126471) could be potentially be suitable for some increase in development density. The existing lots are respectively 1.84 hectares and 2.4 hectares in size.

This site is generally cleared and a significant portion drains away from the Georges River (directly). Land on the opposite side of Amundsen Street is developed for urban housing.

It is considered from initial investigation that some additional new lots may potentially be able to be created on that part of the land which drains away from the Georges River towards Amundsen Street and where no significant vegetation exists.

Any such development proposal for that part of the land would need to be more fully investigated and achieve a master planned outcome including:

- Drainage of stormwater from development to Amundsen Street and away from the Georges River
  - Connection to mains sewer
  - No new dwellings or outbuildings to be located on that part of the land, east of the ridgeline that traverses the site
  - That part of the site between the ridgeline and Hansens Road to be revegetated with appropriate endemic species reflective of existing endangered ecological communities in the locality, in accordance with a vegetation rehabilitation/management plan, taking appropriate account of the management of bushfire risk
  - A limit on the height of any future development to one storey only.
  - The design, siting and finish (materials and colours) of buildings and structures undertaken in such ways to minimise the visual prominence of development
-

As Lots 1 and 2 were previously used for farming, an appropriate site contamination assessment would need to be carried out to establish whether or not any parts of the land need to be remediated. Such assessment would need to be carried out as part of the more detailed site investigation.

If Council were to support the investigation of additional limited development on the existing cleared land fronting Amundsen Street, in the terms described above, it would need to be made clear that such development is not a precedent for its consideration of other proposals for further encroachment into other parts of the Edgelands, for further subdivision and urban development.

Any such detailed investigation would need to be at no expense to Council and be submitted for formal consideration as soon as possible to enable co-ordination with Council's consideration of the preparation of the Comprehensive LEP.

## **PART 4 – CONCLUSIONS AND RECOMMENDATIONS**

### **Conclusion**

The Visual Study supplements Council's on-going commitment to valuing the natural environment, biodiversity and habitat protection. The Study recognises Council's statutory obligation to protect areas of native vegetation of high and medium conservation value. It also acknowledges Council's previous decision to investigate a reduced subdivision standard (lot size) in parts of the Edge Lands.

The Edge Lands comprise an environmental protection area that has been zoned as such for over 30 years. It is not considered appropriate to rezone the land for urban development due to its environmental and scenic landscape qualities, and in some parts of the area, the proximity to the Georges River. The capacity of the land to accommodate urban development is heavily constrained. Furthermore, the land is not required to enable Council to meet its current metropolitan housing target of approximately 25,000 additional new dwellings by 2036, as most of this growth will be achieved in identified urban release areas, in existing centres and in areas close to railway stations.

A boundary for urban growth is required in the eastern side of the existing Campbelltown urban area, as it is considered important to strengthen the effectiveness of the spatial limits of the Campbelltown urban area inclusive of the 'eastern edge'. The Visual Study confirmed the appropriateness of the extent of the existing zone boundaries as generally being appropriate in this regard. The unique nature of the Edge Lands, their location and context, reinforce the importance of this area as a transition between urban and bushland areas.

The existing bushland character and biodiversity values already establish the Edge Lands as a transitional area between the existing Campbelltown Urban Area and the road reservation for the proposed Georges River Parkway. Confirming the role of this area as a buffer between full urban development, the proposed Parkway and the Georges River Bushland Corridor (and Holsworthy beyond) is considered appropriate, given the existing biodiversity in the area and the need to mitigate against the impacts of noise on residential areas that will be generated by the Parkway once it is constructed. Reinforcing the importance of the Edge Lands as an area of transition importantly permits limited opportunities for sensitively designed and located "lifestyle" housing whilst addressing statutory biodiversity conservation and bushfire management requirements.

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Given that opportunities for further subdivision and subsequent development within the Edge Lands are not evenly distributed, it is considered that an optimal and balanced outcome could be achieved if landowners worked together and masterplanned any future development within each landscape unit, using the Bushland Development Model. Using this model, 1ha subdivision can be achieved and a single dwelling entitlement could be given to each 1ha lot that is created, with the placement of dwellings, ancillary buildings and access ways having regard to the existing bushland and required fire control measures. If land owners choose not to adopt the siting recommendations of the Model, then the minimum lot size for the erection of a dwelling should remain at 2 hectares.

Attainment of the proposed planning outcome, via the Bushland Development Model, is heavily predicated upon the advocated precinct scale masterplanning approach and a commitment to introducing private conservation incentives as part of any future development within the Edge Lands. This could be achieved through the introduction of development controls in a development control plan and conditions on development consents.

It is considered that Council is in a position to finalise the strategic direction for the Edge Lands and so inform the preparation of the draft Campbelltown Local Planning Strategy and the draft new Comprehensive LEP.

Specifically, Council has:

- received a presentation on the biodiversity issues related to the area on 22 November 2011
- been provided with a comprehensive report about the Edge Lands on 13 December 2011
- conducted a site inspection on 31 January 2012
- received a presentation on the site inspection and possible future planning directions on 20 March 2012.
- via this report, been advised about both written correspondence and verbal enquiries from the owners of land within the Edge Lands.

In this context, the Officer's Recommendations contained in the report presented to Council on 13 December 2011 remain valid and are accordingly recommended for endorsement, apart from Council's consideration of an investigation into the possible development of land known as Lot 1 DP 795498 and Lot 2 DP 126471, Amundsen Street Leumeah. This investigation would be subject to discussion with the relevant landowners and the submission of documentation to Council addressing various planning issues, in accordance with the specific terms set out in this report.

Further, it is considered appropriate that the letters from Inspire Urban Design and Planning, and Smec Urban, on behalf of their respective clients, the letter from Mr Mohammad, and the correspondence from Mr and Mrs Ackerley and Mr and Mrs Russo be noted, but Council that not depart significantly from the recommendations based on the findings of the Visual Study and contained in the report to Council dated 13 December 2011.

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### **Officer's Recommendation**

That, for the purposes of the preparation of the new comprehensive local environmental plan for the Campbelltown Local Government Area, Council:

1. Receive and note the contents of the letters from Inspire Urban Design and Planning and Smec Urban on behalf of their respective clients, the letter from Mr Mohammad, and the correspondence from Mr and Mrs Ackerley and Mr and Mrs Russo.
  2. Adopt the E4 - Environmental Living zone generally for land within the East Edge Scenic Protection Lands (the Edge Lands) that is currently zoned 7(d4) – Environmental Protection 2 hectare minimum and 7(d6) – Environmental Protection 0.4 hectare minimum, except for the land within Landscape Unit 2 (Oldsmobile Place).
  3. Rezone the land within Landscape Unit 2, that is currently zoned 7(d4) – Environmental Protection 2 hectare minimum, to R2 – Low Density Residential, and apply a minimum lot size of 500m<sup>2</sup> to that land, which is consistent with that of the surrounding residential area.
  4. Retain a minimum subdivision standard of 0.4 hectare for land within the Edge Lands that is currently zoned 7(d6) – Environmental Protection 0.4 hectare minimum.
  5. Retain a minimum subdivision standard of 2 hectares for land within the Edge Lands that is currently zoned 7(d4) – Environmental Protection 2 hectare minimum, unless the Bushland Development Model (as established by the Visual Study) is used, with the exception of the land comprising of Lot 1, DP 795498 and Lot 2, DP 126471, Amundsen Street, Leumeah (located within Landscape Unit E-LU5).
  6. Permit the 2 hectare lots within the Edge Lands to be subdivided into 1 hectare lots, and to accommodate a single dwelling on each one hectare lot created, subject to the Bushland Development Model (as established by the Visual Study) being taken into account in the creation of any subdivision and subsequent development.
  7. That Council advise the owners of Lot 1 DP 795498 and Lot 2 DP 126471, Amundsen Street Leumeah, that it is prepared to consider the submission of a detailed investigation into the possible future development (for residential purposes) of part of the land, but only in accordance with the terms set out in the above report, and that such submission shall be received by Council by no later than 30 June 2012.
  8. Incorporate the principles of the Bushland Development Model into the new comprehensive Local Environmental Plan for the Campbelltown LGA, or the Campbelltown Sustainable City Development Control Plan, as appropriate.
  9. Advise Inspire Urban Design and Planning, Smec Urban, Mr Mohammad, Mr and Mrs Ackerley and Mr and Mrs Russo that Council does not propose to vary the recommendations in respect of future planning directions for the East Edge Scenic Protection Lands in response to their letters.
  10. Advise the owners of the land in Landscape Unit 2 (Oldsmobile Place) of Council's intention to rezone their land R2 - Residential to reflect the current use of the land.
  11. Advise the owners of Lot 1, DP 795498 and Lot 2, DP 126471, Amundsen Street, Leumeah, of Council's resolution in respect to their land.
-

**Committee Note:** Mr Soldatic, Mr Gray and Mrs Russo addressed the Committee regarding the proposal.

**Committee's Recommendation: (Bourke/Oates)**

That the Officer's Recommendation be adopted.

**Amendment: (Greiss/Matheson)**

That a decision in this matter be deferred to allow further investigation and discussions.

**LOST**

The **Motion** on being put was **Carried**

**Council Meeting 10 April 2012**

Having declared an interest in regard to Item 2.1, Councillors Glynn, Rowell and Rule left the Chamber and did not take part in debate nor vote on this item.

**Council Meeting 10 April 2012 (Borg/Kolkman)**

That the Officer's Recommendation be adopted.

**Amendment: (Greiss/Matheson)**

That a decision in this matter be deferred to allow further investigation and discussions.

**LOST**

**Council Resolution Minute Number 48**

That the Officer's Recommendation be adopted.

A **Division** was called in regard to the Resolution for Item 2.1 - Future Planning Directions for the East Edge Scenic Protection Lands with those voting for the Resolution being Councillors Borg, Bourke, Chanthivong, Dobson, Kolkman, Lake, Oates, Thomas and Thompson.

Voting against the Resolution were Councillors Greiss, Hawker and Matheson.

At the conclusion of the discussion regarding Item 2.1, Councillors Glynn, Rowell and Rule returned to the Chamber for the remainder of the meeting.

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## **2.2 Minutes of the Heritage Protection Sub Committee Meeting held on 9 February 2012**

### **Reporting Officer**

Acting Manager Environmental Planning

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### **Attachments**

Minutes of the Heritage Protection Sub Committee Meeting held on 9 February 2012

### **Purpose**

To seek Council's endorsement of the Minutes of the Heritage Protection Sub Committee Meeting held on 9 February 2012.

### **Report**

Detailed below are the recommendations of the Heritage Protection Sub Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration. There are no recommendations that require an individual resolution of Council.

### **Recommendations of the Heritage Protections Sub committee**

#### **Reports listed for consideration**

##### **7.1 Campbelltown Heritage Forum and Heritage Medallion**

1. That the information be noted.
2. That the Heritage Protection Sub Committee appoint James Gardner as the community representative on the 2012 Heritage Medallion Advisory Panel.
3. That a further report be submitted to the Heritage Protection Sub Committee by the 2012 Heritage Medallion Advisory Panel regarding recommendation(s) for the 2012 Heritage Medallion.
4. That the abovementioned report be considered at an extraordinary meeting of the Heritage Protection Sub Committee to be held on Thursday 16 February 2012 at 6.00pm.

### **Director's Comment:**

It is noted that the Heritage Protection Sub Committee conducted an extraordinary meeting on Thursday 16 February 2012 to consider the advice of the Heritage Medallion Advisory Panel and provide a recommendation to Council on the preferred recipient of the Heritage Medallion 2012. The minutes of the extraordinary meeting were considered and adopted by Council at its meeting of 13 March 2012.

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**7.2 Development Application for Construction of a Columbarium Wall and Associated Landscaping at St David's Church, Lithgow Street Campbelltown**

1. That Council note that the Heritage Protection Sub Committee acknowledges and agrees with Council's concerns regarding the Development Application 2405/2011/DA-O for the construction of a columbarium wall and associated landscaping at Lot 11, DP 806710, 40 Lithgow Street Campbelltown (occupied by the heritage listed St David's Presbyterian Church).
2. That Council be requested to also consider contacting the applicant to seek further information and clarification in relation to the driveway and in particular its location, purpose, nature and finish.

**Director's Comment**

The application had been deferred by Council staff seeking additional information from the applicant to address a number of matters, including those issues raised by the Heritage Protection Sub Committee. It is anticipated that the development application will be determined under delegated authority.

**7.3 Development Application for Construction of an Extension to an Existing Shed at Meadowvale, No 717 Appin Road Gilead**

Council's Director Planning and Environment advised the Heritage Protection Sub Committee that the Development Application 2139/2011/DA-O for the construction of an extension to the existing shed at Lot 1, DP 602888, 717 Appin Road, Gilead has been withdrawn and therefore no longer needs to be assessed by Council. No further action is required by the Heritage Protection Sub Committee in relation to this matter.

**8.1 Richmond Villa**

That the information be noted.

**8.2 Heritage Protection Sub Committee Membership**

That the information be noted.

**8.3 Heritage Study Update and Heritage Impact Statements**

1. The Heritage Protection Sub Committee requests that Council consider making the Campbelltown Heritage Study Review available via its website once the study has been finalised.
  2. The Heritage Protection Sub Committee requests that Council investigate the possibility of making copies of Heritage Impact Statements (HIS) publicly available at Council's libraries.
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**Director's Comment**

Council is presently undertaking a major upgrade of its website, and this will include the publication of the upgraded Campbelltown Heritage Study Review once completed and endorsed by Council. Unfortunately, Council's use of Heritage Impact Statements is generally limited to the purposes of assessment of the associated development application in accordance with the *Environmental Planning and Assessment Act 1979*, and does not extend to reproducing this document. Council is able to make an original HIS document available for public display, however, is restricted from reproducing these documents as it may be a potential breach of copyright laws, unless the author has provided his consent for the documents to be publicised.

**8.4 East Edge Scenic Protection Lands - Stone Cottage**

That the information be noted.

**8.5 Potential Grant Funding Opportunities for Hurley Park Cattle Tanks**

1. The Heritage Protection Sub Committee requests that Council investigate grant funding opportunities for the purpose of preservation/interpretation of the Hurley Park Cattle Tanks.
2. The Heritage Protection Sub Committee requests that Council consider promoting the Hurley Park Cattle Tanks from a tourism perspective through the updating and reprinting its information booklet regarding the Hurley Park Cattle Tanks, subject to funding being available.

**Director's Comment**

In 2008, the Heritage Protection Sub Committee was advised of stone restoration works for the reservoir and cattle tank structures, undertaken by heritage stonework specialists in accordance with the Conservation Management Plan (CMP) for Hurley Park. Future works outlined by the CMP include replacement fencing and interpretive signage for the Cattle Tanks, however are subject to additional funding being secured and being prioritised with other landscaping, maintenance and site works associated with the general public use and enjoyment of the park. The pursuit of funding opportunities for these works is ongoing, and will be reported to the Heritage Protection Sub Committee as relevant heritage works occur.

Council's public information register on the Hurley Park Cattle Tanks has been reviewed as part of the broader Campbelltown Heritage Review Study, and will be considered for new promotional material (including Council's website) following completion and endorsement of the Study by Council.

**Officer's Recommendation**

That the minutes be noted.

**Committee's Recommendation: (Bourke/Hawker)**

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 10 April 2012 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## **ATTACHMENT 1**

### **Minutes of the Heritage Protection Sub Committee Meeting**

**Held Thursday 9 February in Committee Room 3**

#### **1. Acknowledgement of Land**

An Acknowledgement of Land was presented by the Chairperson, Councillor Bourke.

**Attendance:** Councillor Julie Bourke (Chairperson) - Campbelltown City Council  
Councillor Meg Oates - Campbelltown City Council  
Jenny Goodfellow - Historical Society  
Jacqueline Green - Historical Society  
Mario Majorich - Qualified Person  
Learna Coupe - Historical Society  
Robert Wheeler - National Parks Association  
James Gardner - Qualified Person

**Also in Attendance:** Jeff Lawrence - Director Planning & Environment  
Jim Baldwin - Manager Development Services  
Michael Dagastino - Manager Cultural Services  
Caroline Puntillo – Executive Planner  
Jeff Burton - Senior Strategic Environmental Planner  
Andrew Allen - Local Information Services Librarian  
Jane Worden - Executive Support

**Apologies:** Melissa Plummer - Heritage Owner

#### **Sub Committee's Recommendation: (Gardner/Oates)**

That the apologies from Melissa Plummer be received and accepted.

**CARRIED**

#### **3. Declarations of Interest**

There were no Declarations of Interest made at this meeting.

#### **4. Minutes of the Previous Meeting**

##### **Report**

The Minutes of the Heritage Protection Sub Committee Meeting held on 20 October 2011, copies of which were circulated to each Sub Committee Member, were presented to Council for adoption at its meeting held on 13 December 2011.

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Council resolved as follows:

1. That the Minutes be noted.
  2. That in relation to the 2012 Campbelltown Heritage Festival Program and the Heritage Medallion, the Heritage Protection Sub Committee requests:
    - I. That Council acknowledges the definition of heritage as defined by the National Trust for the purpose of the 2012 Heritage Festival Program and the awarding of the 2012 Heritage Medallion.
    - II. That Council include the National Trust's definition of heritage in all media, advertising and publications for the 2012 Campbelltown Heritage Festival Program and the Heritage Medallion.
    - III. That Council include, in the publicity for the 2012 Campbelltown Heritage Festival and the Heritage Medallion, a media release containing information about the Festival, the Medallion nomination process, and a simplified version of the National Trust's definition of heritage (and appropriate examples) to assist people in understanding the scope of heritage. Ideally this should be done prior to the commencement of (or during) the nomination period.
    - IV. That Council amend the criteria 1 – 4, and other references to the definition of heritage and the assessment of nominations for the 2012 Heritage Medallion (as outlined in the report considered by the Sub Committee) to include reference to all aspects of heritage as defined by the National Trust.
    - V. That the membership of the Heritage Medallion Advisory Panel be revised to include: The Chairperson of the Heritage Protection Sub Committee, Council's Director Planning & Environment, Council's Manager Cultural Services and a Community Representative from the Heritage Protection Sub Committee.
    - VI. That Council note the following time frames in relation to the 2012 Campbelltown Heritage Medallion Award:
      - a) That nominations for the Heritage Medallion be sent to the public and local schools by 31 October 2011,
      - b) That the submission of nominations for the Heritage Medallion close by 3 February 2012,
      - c) That the Advisory Panel appointed to consider the finalist for the Heritage Medallion meet in early February 2012 to make recommendations to the Heritage Protection Sub Committee,
      - d) That the Heritage Protection Sub Committee meet in early February 2012 to make a recommendation to Council regarding the finalists and winners of the 2012 Heritage Medallion(s),
      - e) That a report be submitted to Council on 6 March 2012 to enable a decision to be made about the 2012 Heritage Medallion winner(s),
      - f) That the Heritage Medallion(s) be presented on 26 April 2012 at the Heritage Festival.
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- VII. That appropriate examples supporting the wider definition of heritage (as defined by the National Trust agreed by the Heritage Protection Sub Committee), be sent out with nomination forms for the 2012 Heritage Medallion. The examples could relate to areas such as cultural and religious traditions, festivals and crafts, urban planning and settlement patterns, innovative product development over time, and intellectual and scientific work undertaken within the Campbelltown Local Government Area that has had broad and lasting impacts (for example, in the fields of agriculture, industry, science and technology)
- VIII. That Council allow the framework and format for the Heritage Forum (to be held as part of the 2012 Heritage Festival) to be flexible and diverse, to include the opportunity for several films or other means of expressing the achievements of selected Heritage Medallion nominees and/or winners to be presented, to respond to the 2012 theme 'Amazing Stories: Innovation + Invention', and to explore the richness and diversity of heritage (as defined by the National Trust)
- IX. That Council ensure that the speakers selected for the 2012 (and all future) Heritage Forums, relate to the theme of the current Festival, and that their presentations allow the opportunity for an interactive 'forum' or debate to take place that responds to the theme and encourages community involvement and feedback.

**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation: (Majorich/Oates)**

That the information be noted.

**CARRIED**

**5. Business Arising from Previous Minutes**

**Reporting Officer**

Manager Environmental Planning

**Purpose**

To report on business arising from the Minutes of the Heritage Protection Sub Committee Meeting held on 20 October 2011.

A report on the Minutes of the Heritage Protection Sub Committee meeting (held on 20 October 2011) was endorsed by Council at its meeting on 13 December 2011.

The actions arising from the previous Minutes relate to the 2012 Heritage Medallion Award and Heritage Forum. It is noted that the resolution on this matter by the Heritage Protection Sub Committee followed the report by the Manager Cultural Services and the associated presentations to the Sub Committee meeting (20 October 2011) by the Directors of Planning and Environment and Community Services.

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Given the detailed nature of the resolution, a separate report outlining Council's actions has been prepared for consideration by the Heritage Protection Sub Committee and is included as part of the agenda for this meeting (9 February 2011).

**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation: (Green/Goodfellow)**

That the information be noted.

**CARRIED**

**6. Correspondence - Nil**

**7. Reports**

**7.1 Campbelltown Heritage Forum and Heritage Medallion**

**Reporting Officer**

Manager Cultural Services

**Purpose**

To update the Heritage Protection Sub Committee on nominations and reporting for the 2012 Campbelltown Heritage Medallion.

**Report**

Council staff are considering and implementing the resolution of Council arising from the Heritage Protection Sub Committee Meeting held on 20 October 2011, in regards to the 2012 Campbelltown Heritage Medallion and Heritage Forum.

Nominations for Campbelltown's Heritage Medallion were opened to the public on Friday 31 October 2012. Nominations closed Friday 3 February 2012.

A media release was issued on 6 December 2011 and as a result there was a short news article published on 10 January 2012 in the Macarthur Chronicle announcing the opening of the medallion nominations.

A second media release was issued to further prompt members of the public to submit their nominations before the closing date. A copy of this media release was not available at the time of writing. Council has included the National Trust's definition of heritage in all media, advertising and publications for the 2012 Campbelltown Heritage Medallion.

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Hard copy nomination forms and electronic versions were distributed to the public. The form contained information about the Festival, the Medallion nomination process, and a simplified version of the National Trust's definition of heritage (and appropriate examples) to assist people in understanding the scope of heritage. The distribution reached local primary and secondary schools, past nominators of The Campbelltown City Australia Day Awards, local environmental organisations, museums and heritage organisations, and local Indigenous people and organisations.

Nomination forms contained the following assessment criteria for nominations:

- That the activity undertaken makes a substantial contribution to preserving or promoting Campbelltown's Heritage;
- That the achievement has a significant and enduring impact on the community;
- That the achievement is of exceptional relevance to Campbelltown's Heritage;
- That the achievement gives a positive impression on Campbelltown's image and profile.

The Heritage Medallion Advisory Panel, consisting of the Chairperson of the Heritage Protection Sub Committee, Council's Director Planning and Environment, Council's Manager Cultural Services and a Community Representative from the Heritage Protection Sub Committee, met in early February after the closing of nominations (Friday 3 February 2012), to make recommendations to the Heritage Protection Sub Committee.

The Heritage Protection Sub Committee is then required to provide a recommendation to Council regarding the finalists and winners of the 2012 Heritage Medallion(s).

Given the narrow timing between the close of nominations and this meeting of the Heritage Protection Sub Committee, a verbal update about the full list of nominees for the Medallion will be given to the Sub Committee at the meeting, and Sub Committee members will have the opportunity to discuss the short listed nominations determined by the Heritage Medallion Advisory Panel.

On 6 March 2012 a report will be presented to Council to enable a decision to be made about the 2012 Heritage Medallion winner(s).

The Medallion will be awarded at the 2012 Heritage Forum, which will be held at 7pm on Thursday 26 April 2012 at the Campbelltown Arts Centre. All nominees will be invited to attend.

#### **Officer's Recommendation**

1. That the information be noted.
2. That the Heritage Protection Sub Committee make a recommendation to Council regarding the finalists and winners of the 2012 Heritage Medallion(s).

#### **Sub Committee's Recommendation: (Wheeler/Green)**

1. That the information be noted.
  2. That the Heritage Protection Sub Committee appoint James Gardner as the community representative on the 2012 Heritage Medallion Advisory Panel.
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3. That a further report be submitted to the Heritage Protection Sub Committee by the 2012 Heritage Medallion Advisory Panel regarding recommendation(s) for the 2012 Heritage Medallion.
4. That the abovementioned report be considered at an extraordinary meeting of the Heritage Protection Sub Committee to be held on Thursday 16 February 2012 at 6.00pm.

**CARRIED**

**7.2 Development Application for Construction of a Columbarium Wall and Associated Landscaping at St David’s Church, Lithgow Street Campbelltown**

**Reporting Officer**

Manager Development Services

**Purpose**

The purpose of this report is to seek comments from the Heritage Protection Sub Committee with respect to Development Application 2405/2011/DA-O for the Construction of a Columbarium Wall and associated Landscaping at Lot 11, DP 806710, No. 40 Lithgow Street Campbelltown, occupied by the heritage listed St David’s Presbyterian Church.

**Report**

|                             |   |
|-----------------------------|---|
| <b>Property Description</b> | Lot 11, DP 806710<br>No. 40 Lithgow Street, Campbelltown  |
| <b>Application No</b>       | 2405/2011/DA-O  |
| <b>Applicant</b>            | Campbelltown Presbyterian Church  |
| <b>Owner</b>                | Trustees Presbyterian Church  |
| <b>Statutory Provisions</b> | Campbelltown (Urban Area) Local Environmental Plan 2002<br>Campbelltown (Sustainable City) Development Control Plan 2009<br>Development Control Plan No. 83 – Heritage Policy<br>Development Control Plan No. 114 – Trees |
| <b>Date Received</b>        | 7 December 2011   |

**The Site**

The subject property is occupied by St David’s Presbyterian Church and is listed as an item of environmental heritage with local significance under Schedule 1 of *Campbelltown (Urban Area) Local Environmental Plan 2002* (LEP 2002). 'St David’s Manse' is located at the south-western corner of the site, on a separate allotment. It is also listed as an item of local heritage significance.

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St David's Presbyterian Church was built in 1840-42 and is of historical significance as one of the oldest buildings in Campbelltown. The Church also has significance for its gothic style construction, and its association with the early architect James Hume who was involved with a number of important buildings in NSW. The building remains visually connected to the former Manse, even though the Manse is now on a different allotment of land and held in separate ownership.

The subject property has a frontage to Lithgow St of approximately 90 metres, a lot depth of 80 metres and a total site area of 8620 square metres. The property is bordered by St John's Primary School to the north and east, residential areas to the west, and Campbelltown Central Public School to the south (located on the opposite side of Lithgow Street).

The Church is set back approximately 25 metres from Lithgow Street, and is located in a paved courtyard setting with a number of mature eucalyptus trees in the forecourt and surrounding area. There are a number of ancillary buildings on the site. The main ancillary building comprises a hall and child care centre located on the eastern side of the Church.

### **Proposed Development**

The subject application was lodged with Council on 7 December 2011 for the construction of "a three sided concaved granite columbarium wall within the church grounds with appropriate landscaping". The submitted plans indicate that the structure is approximately two metres high and has a footprint of 3.5 x 4.2 metres.

The application includes a landscape masterplan for the area immediately surrounding the proposed columbarium wall, and includes:

- New hedge planting, shrub and tree planting;
- Tree removal (10 trees);
- A new driveway crossover to Lithgow Street;
- Paving, gravel and lawn areas; and
- Fencing, timber edging and stairs.

### **Assessment**

The proposed development is permissible with Council's consent and is generally considered to be ancillary to the religious use of the site by St David's Presbyterian Church.

A preliminary assessment of the application has been undertaken by Council's planning staff in accordance with the relevant statutory considerations, and a number of issues have been identified requiring further information to be provided by the applicant.

Accordingly, the application has been deferred by Council pending a response by the applicant to the following matters:

1. Written clarification of the full scope of proposed works under the application, given the extent of ancillary works indicated on the accompanying landscape masterplan;
  2. Provision of a Statement of Environmental Effects in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*, addressing the relevant provisions of *Campbelltown (Urban Area) Local Environmental Plan 2002*, *Campbelltown Development Control Plan No. 83 – Heritage Policy*, and *Campbelltown (Sustainable City) Development Control Plan 2009*.
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3. Submission of a Heritage Impact Statement, prepared by a suitably qualified person, in accordance with the requirements of Clause 44 of the *Campbelltown (Urban Area) Local Environmental Plan 2002*.
4. Revision of the landscape scheme to include additional locally indigenous plantings, as required by Section 2.5 of the *Campbelltown (Sustainable City) Development Control Plan 2009*, having regard to the heritage attributes of the site.

Due to the timing of the deferral of the subject application and the deadline for the agenda for this meeting to be finalised and distributed, a verbal update on any additional information provided by the applicant and Council's assessment thereof will be provided by Council's Manager Development Services at the Sub Committee meeting (9 February 2012).

### **Conclusion**

On 7 December 2011, Council received a development application for the construction of a columbarium wall and associated landscaping at No.40 Lithgow Street, Campbelltown, occupied by the St David's Presbyterian Church which is listed as an item of local heritage significance under *Campbelltown (Urban Area) Local Environmental Plan 2002*.

The proposed development is permissible with Council's consent and is generally considered to be ancillary to the religious use of the site by St Davids Presbyterian Church. However, Council's preliminary assessment has identified a number of issues relating to the scope of proposed works and the potential impacts on the heritage significance of St Davids Presbyterian Church and the locality.

Accordingly, the application has been deferred by Council seeking additional information to be provided by the applicant to ensure that the full scope of works is properly detailed in the application, and importantly, that the application demonstrates compliance with the relevant heritage considerations given the heritage listing of the property. A verbal progress update on the development application will be provided at the Heritage Protection Sub Committee meeting (9 February 2012).

Given the heritage significance of the site, the application has been referred to the Heritage Protection Sub Committee for information and comments prior to Council's determination of the application.

### **Officer's Recommendation**

That the Heritage Protection Sub Committee consider Development Application 2405/2011/DA-O for the construction of a columbarium wall and associated landscaping at Lot 11, DP 806710,40 Lithgow Street Campbelltown (occupied by the heritage listed St David's Presbyterian Church) and provide comments to assist Council's determination of the proposal.

### **Sub Committee's Recommendation: (Oates/Majarich)**

1. That Council note that the Heritage Protection Sub Committee acknowledges and agrees with Council's concerns regarding the Development Application 2405/2011/DA-O for the construction of a columbarium wall and associated landscaping at Lot 11, DP 806710, 40 Lithgow Street Campbelltown (occupied by the heritage listed St David's Presbyterian Church).
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2. That Council be requested to also consider contacting the applicant to seek further information and clarification in relation to the driveway and in particular its location, purpose, nature and finish.

## **CARRIED**

### **7.3 Development Application for Construction of an Extension to an Existing Shed at Meadowvale, No.717 Appin Road, Gilead**

#### **Reporting Officer**

Manager Development Services

#### **Purpose**

The purpose of this report is to seek comments from the Heritage Protection Sub Committee with respect to Development Application 2139/2011/DA-O for the construction of an extension to an existing shed at Lot 1 DP 602888, No.717 Appin Road, Gilead, occupied by the heritage listed Meadowvale Homestead.

#### **Report**

|                             |  |
|-----------------------------|--|
| <b>Property Description</b> | Lot 1, DP 602888<br>No. 717 Appin Road, Gilead   |
| <b>Application No</b>       | 2139/2011/DA-O   |
| <b>Applicant</b>            | Design Link Australia  |
| <b>Owner</b>                | Al Maha Pty Ltd  |
| <b>Statutory Provisions</b> | Interim Development Order No.15<br>Campbelltown (Sustainable City) Development Control Plan 2009 |
| <b>Date Received</b>        | 7 November 2011  |

#### **The Site**

The subject property is occupied by Meadowvale Homestead (also known as 'Humewood') and is listed as an item of 'environmental heritage with local significance' under Schedule 4 of *Interim Development Order No.15*. The existing shed proposed to be extended is located approximately 100 metres north-west of Meadowvale Homestead.

The subject site is near rectangular in shape following an east-west orientation with a depth of approximately 2020 metres and a varying width of approximately 342 metres at the rear and 400 metres along the Appin Road frontage. The subject site has an area of 70.19 hectares. The site surrounds a separate dwelling under different ownership (Lot 4) which is accessed via a right of carriageway across the subject allotment (Lot 1) from Appin Road. Lot 4 is not included in the legal description of the heritage item in IDO 15.

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The land contains scattered vegetation and is characterised by undulating topography with Meadowvale Homestead and other associated buildings located on a localised high point at the rear of the allotment. Surrounding development consists of rural dwellings, larger rural allotments and grazing land. The local heritage item 'Humewood Forest' and the State heritage listed 'Beulah House' group are located on the adjacent allotment immediately to the north.

### **Proposed Development**

The subject application was lodged with Council on 7 November 2011 for the expansion of an existing rural shed. The existing shed is generally rectangular in shape with a small storage room protruding on the western side. The building footprint is approximately 12 metres x 14 metres with a total floor area of 196.7 square metres. There is an existing silo structure located on the western side adjacent to the storage room.

The existing shed consists of two conjoined buildings - one with fibro cement (or similar) roofing and the other with metal sheet roofing. External walls are generally comprised of brick with part of the building consisting of wood panelling. The shed is open to the north and south and is used for the storage of hay bales and farm machinery.

The proposal involves extending the shed on the northern side a further 6.8 metres and by 5 metres on the southern side such that the shed would have an expanded (total) floor area of 364.7 square metres. The proposal also involves raising the external walls and roof from their current height of 4.1 metres at the ridgeline to approximately 5 metres at the maximum central peak of the proposed new raked roof.

The proposed works include the partial demolition of the existing shed with new external brick parapet walls and doubled raked roof. New roller doors are proposed on the southern elevation with the northern elevation to remain with open access. Other proposed features include wood framed external windows and recessed hardwood battens on the side external brick walls. A new rainwater tank is proposed adjoining the side eastern wall, with the existing silo to be retained.

No trees are proposed to be removed as part of the application.

### **Assessment**

An assessment of the application has been undertaken by Council's planning staff in accordance with the relevant statutory considerations, and the following matters are provided for consideration by the Heritage Protection Sub Committee:

#### **Interim Development Order No.15 - City of Campbelltown**

The land is zoned 1 Non Urban (40 ha. minimum) under *Interim Development Order No.15 - City of Campbelltown* (IDO 15). The proposed development relates to the expansion of an existing agricultural building and is permissible with Council's consent under IDO 15.

Clause 19(2) of IDO 15 requires Council to make an assessment of the significance of the heritage item on the land (Meadowvale Homestead), and the extent to which carrying out the proposed development would affect the significance of the item and its site.

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The applicant has submitted a letter prepared by Robert Staas (Heritage Consultant - 'NBRS + Planners') relating to the potential heritage impact of the proposed works on the heritage listed Meadowvale Homestead. Whilst this statement is brief in its assessment of the potential heritage impacts of the proposed development, it does conclude that the proposed works would have minimal impact on the heritage significance of both Meadowvale Homestead and Beulah House.

Although the proposed works would increase the scale and perceived bulk of the subject building, the development would still 'read' as a rural outbuilding which is consistent with the existing setting and contextual relationship to the main house complex. The proposed external materials are generally recessive in appearance, comprising earth coloured brick tones and timber panelling. Importantly though, the potential visual impacts on the heritage significance of the Meadowvale group would be minimised by the distance between the shed and the main house complex (approximately 100m) and the obscured line of sight between the two.

The development would add a significantly larger element into the distant views from the adjacent State listed heritage item Beulah which would have the potential to have an adverse impact on Beulah's heritage values. In order to address this issue, it is recommended that appropriate planting be provided along the northern side of the proposed building to soften the visual impact of this elevation.

### **Campbelltown (Sustainable City) Development Control Plan 2009**

Campbelltown (Sustainable City) Development Control Plan 2009 (SCDCP 2009) applies to the subject property and has been considered as part of the assessment of the proposal.

The requirements of SCDCP 2009 relating to heritage conservation have been generally addressed as part of the equivalent consideration of the potential heritage impacts under IDO 15.

### **Conclusion**

On 7 November 2011, Council received a development application for the construction of an extension to the existing rural shed at No.717 Appin Road, Gilead, occupied by Meadowvale Homestead which is listed as an item of local heritage significance under IDO 15.

The proposed development relates to the continued use of the building for agricultural purposes, and is permissible under IDO 15 with Council's consent.

The application has been assessed in accordance with the relevant statutory requirements, and from a heritage perspective, it is considered that the application is worthy of support subject to appropriate conditions being imposed on any consent issued by Council. This includes the applicant providing suitable landscape screening along the northern side of the development to buffer the visual impact of the extended building on the adjacent State listed heritage item 'Beulah'.

Given the heritage significance of the subject site, the application has been referred to the Heritage Protection Sub Committee for information and comment prior to Council's determination of the application.

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**Officer's Recommendation**

That the Heritage Protection Sub Committee consider Development Application 2139/2011/DA-O for the construction of an extension to the existing shed at Lot 1, DP 602888, 717 Appin Road, Gilead (occupied by the local heritage item Meadowvale Homestead) and provide comments to assist Council in its determination of the application.

**Sub Committee Note:**

Council's Director Planning & Environment advised the Heritage Protection Sub Committee that the Development Application 2139/2011/DA-O for the construction of an extension to the existing shed at Lot 1, DP 602888, 717 Appin Road, Gilead has been withdrawn and therefore no longer needs to be assessed by Council. No further action is required by the Heritage Protection Sub Committee in relation to this matter.

**8. General Business****8.1 Richmond Villa Gardens**

Heritage Protection Sub Committee member Jacqueline Green noted that there are weeds growing in the garden beds located at Richmond Villa. The presence of weeds is detracting from the landscaping works that were undertaken at this location.

Council's Director Planning & Environment gave an undertaking to investigate this matter.

**Sub Committee's Recommendation: (Green/Wheeler)**

That the information be noted.

**CARRIED**

**8.2 Heritage Protection Sub Committee Membership**

Heritage Protection Sub Committee member Jenny Goodfellow indicated her intention to resign from the Heritage Protection Sub Committee. This matter was discussed and it was agreed that it would be best that Mrs Goodfellow resign at the end of the Sub Committee's current term. It was noted that the Heritage Protection Sub Committee would dissolve prior to the September 2012 Local Government elections after which time a new Heritage Protection Sub Committee membership would be formed. Mrs Goodfellow noted this information and agreed to continue her role with Ms Learna Coupe available to attend as an alternate delegate.

**Sub Committee's Recommendation: (Green/ Majarich)**

That the information be noted.

**CARRIED**

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### **8.3 Heritage Study Update and Heritage Impact Statements**

Heritage Protection Sub Committee members asked a range of questions regarding the status and availability of information of the recently completed Draft Campbelltown Heritage Study Review. A particular question was asked about the status of the Soldier Settlement Houses located at Waminda and Macquarie Avenues, located in the suburbs of Campbelltown and Leumeah, which have been nominated as potential heritage items.

Council's Director Planning & Environment advised that whilst the Draft Study has been adopted by Council its finalisation is subject to further consultation and the Draft Study being publicly exhibited as part of the preparation of Council's new Draft Comprehensive LEP. The preparation of the LEP is ongoing. Updated information regarding the Draft Heritage Study may be able to be made available via Council's website once the Study has been finalised, subject to Council's approval.

The Heritage Protection Sub Committee also discussed Heritage Impact Statements that are often submitted to Council as part of the Development Application requirements. Sub Committee members enquired whether or not this information could be made publicly available. Council's Director Planning & Environment advised that Council had received legal advice indicating that such documentation should not be released without the written approval of the author. The Director Planning & Environment gave an undertaking to investigate whether or not copies of Heritage Impact Statements could be made publicly available via Council's libraries.

#### **Sub Committee's Recommendation: (Wheeler/ Majarich)**

1. The Heritage Protection Sub Committee requests that Council consider making the Campbelltown Heritage Study Review available via its website once the study has been finalised.
2. The Heritage Protection Sub Committee requests that Council investigate the possibility of making copies of Heritage Impact Statements publicly available at Council's libraries.

**CARRIED**

### **8.4 East Edge Scenic Protection Lands - Stone Cottage**

Councillor Meg Oates noted that on a recent Council inspection of the East Edge Scenic Protections Lands the local heritage item known as Stone Cottage was visible. Councillor Oates indicated her personal interest in undertaking her own further research into the history of this heritage item.

#### **Sub Committee's Recommendation: (Oates/Green)**

That the information be noted.

**CARRIED**

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### **8.5 Potential Grant Funding Opportunities for Hurley Park Cattle Tanks**

The Heritage Protection Sub Committee discussed the current status of the Hurley Park Cattle Tanks and the importance of this early example of hydraulic engineering. The Sub Committee noted that there may be an opportunity to fund the preservation or interpretation of this historic item through grant funding.

It was also noted by the Heritage Protection Sub Committee that Council no longer actively promotes this heritage item from a tourism perspective. The Sub Committee requested that Council consider updating and reprinting its information booklet regarding the Hurley Park Cattle Tanks with copies to be sent to Council libraries and the Campbelltown Visitor Information Centre.

#### **Sub Committee's Recommendation: (Oates/Green)**

1. The Heritage Protection Sub Committee requests that Council investigate grant funding opportunities for the purpose of preservation/interpretation of the Hurley Park Cattle Tanks.
2. The Heritage Protection Sub Committee requests that Council consider promoting the Hurley Park Cattle Tanks from a tourism perspective through the updating and reprinting its information booklet regarding the Hurley Park Cattle Tanks, subject to funding being available.

**CARRIED**

Cr Julie Bourke  
**Chairperson**

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## **2.3 Review of Council's Water Quality Monitoring Program**

### **Reporting Officer**

Acting Manager Environmental Planning

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### **Attachments**

Comparison of Council's water quality monitoring sites with the Water Quality Monitoring Strategy (WQMS) Objectives for Aquatic Ecosystem Protection (distributed under separate cover)

### **Purpose**

To inform Council of the outcomes and recommendations from the Water Quality Monitoring Program Review undertaken by the consultant BMT WBM a registered company.

### **History**

The Campbelltown Local Government Area (LGA) is located within the catchments of two principal Sydney waterways, the Georges and Nepean River systems. These waterways support a diverse variety of plants and animals, as well as provide for community amenity and recreation opportunities.

Due to the recreational and aquatic significance of both waterways, Council has monitored water quality within the LGA since 1973 through a range of programs. The current water quality monitoring program (WQMP) was initiated in 2006 and includes the regular monitoring of eight sites along the Georges River, Nepean River and the Bow Bowing – Bunbury Curran Creek. These sites were selected in accordance with the objectives of Council's Water Quality Monitoring Strategy 2005 (WQMS) and were considered to be representative of land uses in both catchments. In 2009 an additional six sites were added to the monitoring program which were identified as areas that would assist in achieving water management and efficiency outcomes. These sites were not included as part of this review due to the short length of time over which the data had been collected.

A review of the WQMP has been carried out by BMT WBM. The purpose of this review was to provide Council with:

- A review of relevant National and State water quality monitoring and management guidelines
  - An empirical analysis of water quality within the LGA between 2006 and 2010
  - A description of pollutants affecting water quality and identification of their likely sources
  - Identification of the pollutant impacts and identification of mitigation measures to manage them
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- A review of Council's current WQMP, including recommendations towards improving the program in line with relevant guidelines
  - The identification of potential sites for the installation of permanent water quality data loggers to provide Council with continuous water quality and height data.

## Report

The review and the associated analysis conducted by BMT WBM were based on Council's current WQMS.

### Council's Water Quality Monitoring Strategy

Council's current WQMP has been guided by the WQMS which was endorsed by Council in 2005. This was implemented to guide the collection and evaluation of water quality data to assist with planning and decision making. The WQMS was initially developed considering Regional Catchment Blueprints, Campbelltown 2025 Looking Forward Strategy and the Local Catchment Management Plan 2003-2006.

The WQMS specifies a range of parameters to be sampled at each site and associated 'trigger' values for each parameter in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000) for aquatic ecosystem protection, primary contact recreation and secondary contact recreation.

The eight sites included in the WQMS 2005 were selected based on community recreation values, ecosystem values, accessibility and strategic value. These sites are located at:

- Menangle Bridge (Nepean River)
- Wedderburn Gorge (Georges River)
- Freres crossing (Georges River)
- Simmo's Beach (Georges River)
- The Woolwash (Georges River)
- Harold Street Bridge (Bow Bowing – Bunbury Curran Creek)
- Minto Gross Pollutant Trap (Bow Bowing – Bunbury Curran Creek)
- Kooronga Reserve (Bunbury Curran Creek).

### Water Quality Analysis

The analysis that is presented in the review compares Council's water monitoring data with the objectives summarised in Council's WQMS. The ratings (see Attachment) indicate that water quality compliance with the WQMS varies across the LGA.

Within the Georges River Catchment compliance objectives are generally 'Good' to 'Poor' across the monitoring sites. The Woolwash, Freres Crossing and Simmo's Beach sites have very similar levels of compliance for all water quality parameters.

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The review of the monitoring results for the Bow Bowling – Bunbury Curran sites regularly demonstrates elevated nutrients, low dissolved oxygen, high pH and elevated conductivity. Whilst natural influences associated with the saline dispersive clay soils throughout the catchment are known to contribute to the elevated conductivity, extensive urban development is considered to be the key factor contributing to elevated nutrient concentrations and the overall decline in ecosystem health.

### **Water Quality Response to Rainfall/ Runoff**

The review also analysed the correlation between rainfall and water quality. It was found that during wet weather flows, typically more elevated concentrations of a number of water quality parameters were observed when compared to dry weather flows.

To test this correlation, rainfall data from the Ingleburn Bureau of Meteorology Gauge was compared with total phosphorus, total nitrogen, faecal coliforms and enterococci at each water quality monitoring station. Correlation of water quality parameters were tested against the rainfall on the current day (sampling date), the rainfall of the previous day and the combined rainfall of the previous and current day. It was found that rainfall on the current day had the highest correlation with water quality parameters. There was a strong correlation between rainfall and microbial parameters, only weak correlations could be established for nutrients and rainfall.

The microbial correlation with rainfall however, varied from site to site. Menangle Bridge and Simmo's Beach showed strong correlations yet Koorunga Reserve showed virtually no correlation. The review suggested that this may be related to the Burrendah Dam just upstream of Koorunga Reserve intercepting the majority of runoff from the catchment. Mixing of the catchment runoff with stored water prior to overflow may potentially be diluting the effect of microbial levels in the runoff. In addition, a significant proportion of the catchment for Koorunga Reserve is undeveloped. Sewerage overflows and washing of animal faeces into stormwater drains are a prime source of microbial indicators. Considering the theoretical relationship between water quality and wet weather flow, a correlation between rainfall and water quality parameters could be ordinarily expected. It should be noted that the Ingleburn Bureau of Meteorology Gauge rainfall data may not be as relevant to all sites due to its location, however, overall it is the most applicable to the majority of sites. This may have slight implications for some of the correlation results.

The review concluded that there are much higher levels for microbial parameters and phosphorus when there has been preceding rain, compared to when there has not. However nitrogen concentrations are higher for all sites during dry periods. The reasons for this are most likely to be associated with the release of nitrogen from decomposing organic matter during the lower flow periods.

Overall the review states that clear trends in water quality over the period of the Review were unable to be established, which broadly suggests that water quality is currently neither deteriorating nor improving. This lack of trend could simply be due to minimal change in pollutant generation characteristics of the catchment or the relative short time frame of the monitoring data for the review. It should be noted that the ongoing water quality monitoring locations need to remain fairly consistent to obtain good trend information on patterns of pollution generation characteristics and how they change overtime.

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### **Pollutant Types and Hotspots**

Litter and organic debris such as aluminium cans, plastics, paper, cardboard, polystyrene packaging, glass, cigarette butts, tree branches, palm fronds, tyres, shopping trolleys, leaves and grass clippings are common gross pollutants found in urban stormwater drainage systems. Whilst the aesthetic impacts are most apparent, these pollutants can also smother aquatic habitats, disrupt the chemical balance of ecosystems, release contaminants, block drainage systems and potentially be hazardous to human health.

Suspended solids present in water represent the concentrations of fine silts, clays, decaying organic matter, untreated sewerage, industrial discharges and microscopic plants, that remain suspended in water, which is a measure of turbidity. Suspended solids are considered a pollutant because they can negatively impact on aquatic fauna habitats, reduce light penetration of the water column (depth of water) which restricts plant growth and they can convey other attached pollutants such as heavy metals and phosphorus.

Elevated levels of nutrients such as phosphorus can lead to excessive growth of algae or eutrophication (depletion of oxygen due to excessive plant growth) of water causing changes to fresh water ecosystem structure. Elevated levels of nitrogen can also lead to eutrophication (high levels of nutrients) of water bodies and is one of the major contributors to algal blooms. This can ultimately result in a depletion of oxygen and consequently threaten aquatic life.

Microbial disease causing pathogens in open waterways can pose human health risks, especially where the waterway is used for recreational activities. The presence of disease causing pathogens is indicated by sampling the total faecal coliforms and enterococci present.

In regard to the above mentioned pollutants the review identified several locations within the LGA that warrant further analysis.

- Simmo's Beach and Menangle Bridge

The microbial levels at Simmo's Beach and Menangle Bridge were analysed against the ANZECC Recreational Guidelines (2000) in accordance with Council's WQMS. An overall microbial rating of 'Very Poor' for primary recreation was seen at the Simmo's Beach and Menangle Bridge. This does not mean that levels are high all the time but that the analysis of all the results over the review period has concluded a very poor compliance. A statement within the review states that these results warrant further investigation. It is important to note that these guidelines have been superseded by the National and Health Medical Research Council's Guidelines for Managing Risks in Recreational Water (NHMRC guidelines). It is recommended that Council initiate further analysis and investigation in accordance with the NHMRC as a matter of high priority.

The compliance ratings that the Review determined differ from earlier Council results due to differing interpretations of how to apply the ANZECC criteria. It is considered that neither analysis is statistically better than the other. It is envisaged that by using the newer NHMRC guidelines, a more uniform rating may be achieved.

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- Bow Bowling –Bunbury Curran urban catchments

It was stated in the Review that during wet weather, turbidity, total nitrogen, phosphorus and other common stormwater pollutants are likely to be significantly higher in concentration than during dry weather. During dry weather, base flow conditions will prevail and sampled water is more likely to reflect the quality of groundwater and leaks/discharges from the potable water supply system into the drainage system.

- Wedderburn Gorge catchment

The analysis of Wedderburn Gorge showed consistently poorer water quality than the other non-urban sites within the Georges River catchment. The difference between Wedderburn and the other sites, such as Freres Crossing, Simmo's Beach and the Woolwash, is that Wedderburn is more heavily influenced by urban stormwater and mine water discharges than the other sites. Immediately upstream of the Wedderburn Gorge site, urban stormwater enters the Georges River from the Spring Creek tributary. There are also influences from smaller urban areas further upstream, including the Appin township, which has no reticulated sewer and the Brennan's Creek mine discharge.

### **Management Recommendations**

Whilst the current water quality monitoring results indicate variable compliance with the objectives, it is important to note that the objectives are currently based on default 'trigger' values for south-east Australia. Further analysis and investigation is required to confirm that the trigger values are representative of local conditions. Measured turbidity and pH levels for the Georges River site vary considerably from trigger values. Poor compliance for turbidity can be due to the levels being lower than the objectives, but this is typically less of a problem than high turbidity levels. pH levels are typically elevated above the objective value. In a typical freshwater aquatic environment, these elevated pH levels are likely to be placing considerable stress on aquatic organisms. It is considered important that further analysis be undertaken to clarify if the consistently elevated pH levels across the LGA are natural or are elevated due to mining, urban development or other causes.

Since this Review, Council staff have undertaken investigations into potential pollution sources on the Georges River, with the aim of taking ameliorative action to improve water quality for recreation purposes. Additionally the Georges River Combined Councils Committee has been investigating control site data within the Upper Georges River to try and ascertain whether the high pH levels are natural or more likely the effects of mining or other causes. It is therefore recommended that the current water sampling location at the Woolwash be moved further upstream in O'Hares Creek. This will ensure that any backwashing from the Georges River is not influencing the water quality of those samples. O'Hares Creek is only affected by rural development within the Wedderburn area so the site is considered appropriate as a control site for localised 'trigger values'.

As part of this Review Council requested that the consultant nominate appropriate locations for the installation of the permanent water quality monitoring stations to collect real time data via a web based interface. The locations recommended include the Woolwash (Georges River), Harold Street Bridge (Bunbury Curran - Bow Bowling) and at Railway Parade, Glenfield (Bunbury Curran). This may be considered in the future should funds become available.

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It was also recommended that the affects of stormwater on water quality and environmental health in the Georges River, downstream of the confluence with Bunbury Curran - Bow Bowing, be investigated. This would assist with setting goals for reducing pollutant loads from the Campbelltown Local Government Area.

Further incorporation of water sensitive urban design (WSUD) throughout urban areas would assist with managing the nutrient levels and capturing other common pollutants. WSUD has the potential to mitigate the adverse impact of stormwater runoff upon the environment and human health risks. The type of WSUD used at each site needs to be determined based on the site characteristics.

### **Conclusion**

The Review and the associated analysis undertaken by BMT WBM was based on the current Council endorsed WQMS. The review concluded that water quality conditions in the Campbelltown LGA vary considerably between the urbanised Bow Bowing – Bunbury Curran catchment and the primarily rural and forested Upper Georges River and Nepean River Catchments. Water quality of the Bow Bowing – Bunbury Curran monitoring sites is generally poorer in terms of nutrient load exports than that observed at the Georges River and Nepean River sites.

Water quality monitoring will continue to be conducted to ensure Council is fulfilling its commitment to the sustainability of its water resources. The monitoring will assist in the identification of hotspots and monitoring of the effectiveness of stormwater infrastructure to improve water quality within the local area.

Due to the release of the National Health and Medical Research Council (NHMRC) guidelines since the adoption of the current WQMS, it is recommended that the WQMS be updated to incorporate recommendations of the Review, the NHMRC guidelines, and be updated to include new sampling locations.

### **Officer's Recommendation**

That the current Water Quality Monitoring Strategy be updated to incorporate recommendations from the review, specifically the use of National Health and Medical Research Council guidelines and additional sampling locations.

### **Committee's Recommendation: (Oates/Kolkman)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 10 April 2012 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## 2.4 Minutes of the Camden Gas Community Consultation Committee

### Reporting Officer

Acting Manager Environmental Planning

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### Attachments

1. Location Plan of each of the three stages of the Camden Gas Project (distributed under separate cover)
2. Minutes of the Camden Gas Community Consultation Committee Meeting held on 16 June 2011 (distributed under separate cover)
3. Minutes of the Camden Gas Community Consultation Committee Meeting held on 29 September 2011 (distributed under separate cover)
4. Correspondence from the Department of Planning and Infrastructure regarding the monitoring of consent conditions contained within approvals for developments associated with the Camden Gas Project (distributed under separate cover)

### Purpose

To inform Council of the meetings of the Camden Gas Community Consultation Committee held on Thursday 16 June 2011 and Thursday 29 September 2011.

### History

The Camden Gas Project (CGP), which was lodged as an application under the former Part 3A of the *Environmental Planning and Assessment Act 1979*, involves the extraction of gas from coal seams within the southern coalfields by AGL Gas Production Pty Ltd (AGL). The location of the three stages and current approval status of each stage of the Camden Gas Project is presented in the attached Location Plan (Attachment 1).

The formation of a Community Consultative Committee (CCC) by AGL was required as a condition of consent for the project by the New South Wales Department of Planning and Infrastructure (DPI). The CCC is comprised of representatives of the three affected Local Government Areas (LGAs) being Campbelltown, Camden and Wollondilly as well as community representatives associated with each of the stages of the CGP. A representative of the Scenic Hills Association (SHA representative) commenced attendance at the CCC meetings held in October 2010 as a community member associated with the Stage 3 (the northern expansion) of the CGP. The General Manager was appointed as Campbelltown Council's representative to the CCC on 31 May 2011 and the Director of Planning and Environment was appointed as his formal delegate.

The Regional Manager of the Illawarra Division of the Environment Protection Authority (EPA) also attends as an observer on a regular basis in the capacity as the Appropriate Regulatory Authority for the Camden Gas Project under the *Protection of the Environment Operations Act 1998*.

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The meetings are chaired by the former Executive Officer of the Association of Mining Related Councils (Ms Margaret McDonald-Hill) and are held approximately every three months. Each meeting has a similar structure comprised of presentations by AGL in which updates are provided on each stage of the project followed by a general business section. Although Council officers have regularly attended the AGL CCC meetings, issues discussed have been largely operationally based, with minimal implications for the Campbelltown Local Government Area (LGA) or Council. However, it is considered appropriate that a broad summary of the outcomes of each meeting be provided to Council for its information due to the increasing profile of the CGP and the coal seam gas industry in general.

## **Report**

### **Introduction**

AGL has requested that the minutes of the meetings of the Camden Gas CCC not be listed in Council's Business Papers until they have been formally endorsed by the Committee at a subsequent meeting. In this regard, significant discussion has occurred at recent meetings of the Camden Gas CCC regarding the appropriate format and structure of the minutes in response to a significant number of requested amendments by the SHA representative and the expressed viewpoint by this representative that the minutes should be a transcript to demonstrate independence. Consequently, the reporting to Council of the minutes for the meetings 16 June 2011 and 29 September 2011 meetings has not been able to occur up until now due to the amended minutes for both meetings only being formally endorsed by the Committee at the most recent meeting held on 16 February 2012.

A copy of the minutes of the meeting held on 16 June are provided as Attachment 2, while the minutes of the meeting held on 28 September 2011 are provided as Attachment 3. Copies of presentations referred to in the respective minutes are available from the Manager Environmental Planning.

This report provides a broad summary of the outcomes of both of these meetings and highlights issues of relevance to Council.

### **Minutes of the meeting held on Thursday 16 June 2011**

#### **(i) Well Site Incident - Sugarloaf Property**

A presentation to Council, at Council's briefing session on 5 July 2011, provided information on an incident that occurred at a well site on the Sugarloaf property on 17 May 2011, which resulted in the emission of a foamy substance during routine maintenance activity. The Minutes presented as Attachment 2 provides the details of the presentation provided by an AGL representative regarding the incident as well as the advice provided by the EPA representative regarding the incident. The main issues discussed at the meeting included the composition of the foamy substance and the procedure undertaken by AGL relating to the analysis of collected samples.

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**(ii) Stage 2 of the Camden Gas Project**

A question was raised by Council's Property Coordinator at the meeting, in regard to the monitoring of the compliance of operation and maintenance activities with consent conditions issued by the NSW DP&I concerning Stage 2 of the CGP. The Committee subsequently endorsed the following recommendation:

*'The Committee seek confirmation from the Department of Planning and Infrastructure as to the extent, nature and scale of its compliance activities relating to coal seam gas extraction activities to the Camden Gas Field in our local area of concern'.*

A reply to this correspondence from the DP&I (dated 8 October 2011) is presented as Attachment 4 for the information of Councillors.

**(iii) Stage 3 of the project (northern expansion)**

A presentation from an AGL representative) advised that the 'Response to Submissions Report' for this project application was (then) currently being prepared. The presentation also referred to the lodgement of an application by AGL to conduct groundwater modelling as part of the preparation of this report, (as advised in the presentation provided to Council at the Councillor Briefing Session on 5 July 2011).

**(iv) General Business**

Campbelltown Council's Director of Planning and Environment enquired about an application lodged by AGL with the Department of Trade and Investment to conduct exploratory drilling at a number of locations. Whilst this application initially included a site between Blaxland Road Campbelltown and the Main Southern Railway line, an AGL officer advised at the meeting that this site had been deleted from the application.

**Minutes of the meeting held on 29 September 2011**

**(i) Presentation on the groundwater investigation project by an AGL representative**

A presentation by an AGL representative provided information on a groundwater investigation study being prepared as part of its response to submissions received on the CGP Stage 3 Project Application. This Study will be the primary subject of a report to be presented to Council at a future meeting. The main items of relevance to Council are as follows:

- Advice was provided at the CCC meeting from AGL that the completed report on phase 1, (as well as other phases if completed), would be included in the Submission Report on the CGP Stage 3 Project Application and that the Study would be reviewed to assess any implications of the Aquifer Interference Policy (AIP), following its public release. Councillors should note that the draft AIP has been released and will be the subject of a future report to Council.
  - Expression of opposition to the progression of the groundwater study prior to approval of the Stage 3 application by the SHA representative. This representative also questioned if AGL expected or envisaged that the groundwater study would provide a strategy that would allow for an assessment and monitoring of environmental risks to groundwaters as a consequence of coal seam gas extraction activities.
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Following the consideration of a report regarding this study at its meeting on 18 October 2011, Council resolved that *'further cooperation with AGL in relation to this matter be suspended pending the provision of a detailed briefing regarding the impacts of coal seam gas extraction on aquifers'*. In this regard, a presentation on the impacts of coal seam gas extraction activities on groundwater was provided to Council by a representative of the Sydney Catchment Authority on 1st November 2011. Consequently, a recommended Council response to this resolution and the viewpoint expressed by the SHA representative that the groundwater study should not be progressed prior to approval of the Stage 3 application will be detailed in the report to be presented at a future meeting.

**(ii) Update on Stage 2 of the project**

The key items detailed in the Minutes presented in Attachment 3 of relevance to Council are as follows:

- Advice from an AGL representative that drilling at two well sites at Glen Alpine adjacent to the F5 Freeway, commenced in June 2011 and concluded in August 2011.
- The Annual Environmental Performance Report of the Camden Gas Project for 2010/11, which identified 46 non-compliance items with approval requirements; including a requirement for the provision of coordinates of well sites to councils within two months of completion.
- The grass fire at Menangle Park in close vicinity of gas gathering pipelines near the F5 freeway and the safety response implemented by AGL to protect its assets.
- A description of issues raised in submissions regarding the development consent modification application lodged for the installation of an additional well site at the Menangle Park Paceway site. This application was reported to Council at its meeting on 13 December 2011.

**(iii) Update on Stage 3 of the project (northern extension)**

The key items detailed in the Minutes presented as Attachment 3, that are of relevance to Council are as follows:

- Advice provided by an AGL representative that an application to renew the Petroleum Exploration Licence applying to the CGP was currently being assessed by the Department of Trade and Investment.
- An AGL editorial placed in the Macarthur Chronicle titled *'It's time to set the record straight'*, which in essence, disputed claims made on two separate Channel 7 news items regarding the operation of the Rosalind Park Processing Plant and the allowable proximity of wells sites to residential development.

**Next meeting**

The next meeting of the Camden Gas CCC is scheduled to be held on Thursday 17 May 2012 at the Rosalind Park Gas Processing Plant where the minutes of the meeting held on 16 February 2012 may be formally endorsed. Once the minutes are endorsed, a report providing a summary of the minutes of the meeting held on 16 February 2012 will be presented to Council's next available meeting.

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**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Bourke/Matheson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 10 April 2012 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## **2.5 Proposed Renaming of Alyan Place, St Helens Park**

### **Reporting Officer**

Acting Manager Environmental Planning

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### **Attachments**

1. Letters requesting that Council consider renaming Alyan Place at St Helens Park (distributed under separate cover)
2. Diagram showing possible additional signage (distributed under separate cover)

### **Purpose**

To provide Councillors with information relating to a proposal to rename Alyan Place at St Helens Park.

### **History**

At its meeting on the 16 of June 1987, Council adopted the theme of "Great Australian Women" for the street names in St Helens Park and approved 30 new road names drawn from this theme.

At its meeting on 23 July 1991, Council's Planning Building and Environmental Protection Committee considered a report in relation to additional street names for St Helens Park, and recommended that a list of 35 additional street names on the theme "Great Australian Women" be adopted for use in St Helens Park. The Committee also recommended that a further report be submitted to add names of great Aboriginal women to the list of street names.

A report by the then Director of Planning and Community Development in relation to this additional recommendation was presented to Council at its meeting on 30 July 1991. This Director's report included the names of six great Aboriginal women to be added to the list of street names in the report on 'Additional Street Names for St Helens Park'. The source of these names was recorded in this Director's report as being the Campbelltown City Library and it provided the following brief details with regards to the subject road name:

"Alyandabu – Called Alyan by other Aborigines, she lived in Darwin. She lived and worked in railway fettler's camps on the old north Australian railway".

In spite of the full name Alyandabu being stated in the report, it was recommended that the name Alyan, along with the five other names, be approved as additional road names for St Helens Park and this recommendation was subsequently adopted by Council at its meeting on 30 July 1991. The reason for recommending the name 'Alyan' rather than 'Alyandabu' for use as a road name is not recorded in the report.

Alyan Place was dedicated as a public road on 12 February 1992 and an appropriate street name sign would have been erected around this time.

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At Council's Ordinary Meeting on 28 June 2011, a question without notice was raised by Councillor Matheson regarding the name of Alyan Place in St Helens Park. Councillor Matheson advised that representations had been received from family members of the person that the street was named after, requesting that consideration be given to re-naming the street to properly reflect the person's full name "Alyandabu".

Councillors were advised in the Planning and Environment Councillor Weekly Memo of 8 July 2011 that Council staff were researching the basis for the original naming proposal which led to the selection of the current street name. The memo also advised that Council would write to the person who originally contacted the Councillor to seek further details and a formal request for renaming.

The proposed renaming of this street was also the subject of a briefing presented to Councillors on 31 January 2012.

At its meeting on 13 March 2012, Council deferred consideration of a report on this matter to the next meeting of Council.

## **Report**

Council has now received letters from the representative Elders of the descendants group of Alyandabu and also from her great grandson formally requesting that Council consider the renaming of Alyan Place at St Helens Park to reflect the true name of the person after whom this street was named. These two letters are included as Attachment 1 to this report.

Further research by Council staff has confirmed that Alyandabu appears to be the more correct form of this person's name, although some sources do confirm that she was also known as Alyan and in some cases use the alternative spelling 'Alngindabu'.

The process Council must follow when renaming roads is outlined in Part 2 of Division 2 of the *Roads Regulation 2008*. The first step in this process requires Council to advertise the proposal to allow for public comment. Council is also required to notify Australia Post, the Registrar General, the Surveyor General and emergency services to provide them with an opportunity to comment on the renaming proposal. In addition, it has been Council's practice to notify by letter any residents and landowners affected by the renaming proposal. A period of one month is then allowed for the receipt of any submissions relating to this proposal and a further report on this matter is then be presented to the next available Council meeting.

Council would then have the following options available:

### **Option 1 – Council can resolve to rename the road**

With regard to Alyan Place, this would be in accordance with the wishes of the family and would correct the current inaccuracy in this street name.

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However, the renaming of any street is usually unpopular with any residents affected by it. Council's records indicate that 22 properties currently use Alyan Place in their street address. Following media coverage of the renaming proposal in a local newspaper, Council received two letters of objection from residents prior to undertaking the formal exhibition and notification process. A letter of objection was also subsequently published in the local newspaper. These objections were mainly concerned with the potential expense and inconvenience which would be incurred by residents in having to change all their contact details and also raised concerns about the pronunciation of the proposed new name.

It should also be noted that at its meeting on the 12 April 2011, Council resolved not to rename Mortimer Street at Minto because of similar objections from the residents of the four properties affected by this proposal.

### **Option 2 – Council can resolve not to rename the road**

This would result in no inconvenience to residents and would also be in accordance with the Geographical Names Board's guidelines which state that, 'where names have been changed by long established local usage, it is not usually advisable to attempt to restore the original form'.

However, this would be contrary to the family's wishes and the road name would continue to not correctly acknowledge the person it was meant to honour.

### **Option 3 – a compromise solution involving the erection of additional signage**

With this renaming proposal, Council also has a third option available which was suggested by a resident in their letter of objection. This involves Council resolving not to rename the road but erecting additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu. An indication of the possible positioning and content of this additional signage is shown in the diagram in Attachment 2 to this report.

This would mean no inconvenience to residents and would ensure that the origins of the street name are correctly acknowledged. However, it is possible that this option may not fully satisfy the family's wish for this street to be completely renamed.

Having considered the merits of these three options, it is recommended that Council adopts Option 3.

### **Officer's Recommendation**

That Council resolves to maintain the existing name of Alyan Place at St Helens Park and erects additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu.

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**Committee Note:** Mr Morley addressed the Committee.

**Committee's Recommendation: (Hawker/Greiss)**

1. That Council resolves to rename Alyan Place at St Helens Park to Alyandabu Place.
2. That Council notifies and exhibits this proposed renaming in accordance with Clause 7 of the *Roads Regulation 2008*.
3. That if the street name change is endorsed following the public exhibition, Council erect additional signage underneath the new street name acknowledging that this street was named in honour of Aboriginal elder Alyandabu and was formerly named Alyan Place.

**CARRIED**

**Council Meeting 10 April 2012 (Kolkman/Oates)**

That the Committee's Recommendation be adopted.

**Council Resolution Minute Number 47**

That the Committee's Recommendation be adopted.

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## **2.6 Correspondence from the NSW Minister for Planning regarding Council's request for a moratorium on coal seam gas activities**

### **Reporting Officer**

Acting Manager Environmental Planning

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### **Attachments**

1. Council correspondence sent to the NSW Premier and relevant Ministers
2. Response to Council's correspondence from the NSW Minister for Planning and Infrastructure

### **Purpose**

To inform Council of correspondence that has been received from the New South Wales State Government in response to Council's request to impose a moratorium on further coal seam gas mining activities until conclusive evidence emerges that this practice does not damage groundwater sources.

### **History**

At its Ordinary Meeting on 18 October 2011, Council considered a report that provided details of correspondence received from AGL Upstream Investment (AGL) regarding a Groundwater Investigation Study being prepared for the Camden Gas Stage 3 Project Application.

Following consideration of this report, Council resolved (in part) to:

*'Write to the Premier and relevant Ministers requesting a moratorium on further coal seam gas mining until conclusive evidence emerges that this practice does not damage groundwater sources'.*

### **Report**

#### **Details of correspondence sent to the NSW Government**

In response to Council's resolution, correspondence was sent to the NSW Premier, the Hon. Barry O'Farrell and also the relevant Ministers including the Hon Brad Hazzard MP, the Minister for Planning and Infrastructure, the Hon Chris Hartcher MP, the Minister for Resources and Energy, and the Hon Katrina Hodgkinson MP, the Minister for Primary Industries and Small Business (refer to Attachment 1).

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## 2.6 Correspondence From The NSW Minister For Planning Regarding Council's Request For A Moratorium On Coal Seam Gas Activities

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The correspondence requested support from the NSW Government for the imposition of a moratorium on any further coal seam gas extraction activities to address the widespread concern of Council and the local community regarding the potential impacts of these activities on groundwater sources, in particular. In providing justification for this request, the correspondence advised the Minister that Council is not satisfied that the 'science' of the potential impacts of coal seam gas extraction on natural resources is understood sufficiently to properly inform major decisions relating to development applications for coal seam gas extraction.

### **Response to Council's correspondence from the NSW Government**

To date, correspondence has been received from the Hon. Brad Hazzard, which is presented in Attachment 2. The correspondence notes the concerns of Council, but advises that the NSW Government does not intend to propose a moratorium on coal seam gas mining. Alternatively, the correspondence advises that the, "*Government is seeking to ensure the coal seam gas industry occurs within a sound policy environment*" through the implementation of a range of initiatives such as the previously announced banning of evaporation ponds at well sites. The correspondence from Brad Hazzard, Minister for Planning and Infrastructure also refers to the development of the draft Aquifer Interference Policy, which was publicly released on 6 March 2011, along with a suite of other documents, including a draft Code of Practice for Coal Seam Gas Exploration.

### **Recommended Council response to the NSW Government correspondence**

A report regarding the adequacy of the NSW Government initiatives, referred to above, in addressing Council's concerns regarding the coal seam gas industry will be provided to a future meeting of Council, following a detailed review by officers.

However, at this time it is considered that the Minister's correspondence has not provided sufficient information to justify an alteration to Council's position regarding the imposition of a moratorium.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Oates/Bourke)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 10 April 2012 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1



20 October 2011

The Hon. Barry O'Farrell  
Premier  
Level 40  
Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2001

Dear Premier

### **Coal Seam Gas Extraction – Camden Gas Project (Stage 3)**

You may be aware that Council previously lodged an objection and detailed submission concerning the Camden Gas Extraction (Stage 3) Project Application made under Part 3A of the *Environmental Planning and Assessment Act, 1999*.

Council has also made a detailed submission to the Parliamentary Inquiry into Coal Seam Gas Extraction outlining a range of objections and concerns associated with coal seam gas extraction activities.

The essence of Council's objections relate to the potential significant environmental impacts of coal seam gas extraction, particularly the uncertainty and implications associated with groundwater resource interference.

Council is seriously concerned that coal seam gas extraction, depending upon the location and method of extraction, has the potential to de-water aquifers and contaminate groundwater, and therefore give rise to possible negative impacts on water resources and downstream users of these resources. Potential salinity risks are also of concern, particularly for watercourses in the vicinity of coal seam gas extraction activities. Hydrological fracturing ('fracking') is seen by Council as a distinct risk to the environment, notwithstanding the extent and nature of chemicals utilised as part of the process.

These concerns are amplified when applications for coal seam gas extraction are made with insufficient evidence relating to the groundwater resources – their location, extent, composition, patterns of behaviour (movement throughout the aquifer) and the like. This was a fundamental consideration in Council's objection to the Camden Stage 3 Project Application, and was also noted in the submission by the New South Wales Office of Water.

2.6 Correspondence From The NSW Minister For Planning Regarding Council's Request For A  
Moratorium On Coal Seam Gas Activities

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Council is not satisfied that the 'science' of the potential impacts of coal seam gas extraction on natural resources such as groundwater are understood well enough to properly inform major decisions relating to applications for coal seam gas extraction. Council would therefore urge the NSW Government to commit to a precautionary approach as far as future project determinations for coal seam gas extraction related applications are concerned.

Clearly, there is significant scientific doubt about the safety of coal seam gas extraction activities. There is also wide community concern about the potential for these extraction activities to impact on natural resources, the natural environment and land users such as farmers and residents (who draw their water supply from naturally occurring water catchment sources).


Therefore, I must advise you that Council unanimously resolved at its meeting on 18 October 2011, that the NSW Government must act to impose a moratorium on all further coal seam gas mining until such time as conclusive evidence emerges that this practice does not damage groundwater sources.

Council respectfully seeks your Government's support for the imposition of such a moratorium in the best interests of the community of the City of Campbelltown and the environment.

Council looks forward to receiving your advice concerning this most important issue.

Should you wish to discuss this matter further I can be contacted on (02) 4645 4659.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Tosi', with a long horizontal flourish extending to the right.

Paul Tosi  
General Manager

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## ATTACHMENT 2

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**The Hon Brad Hazzard MP**  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW

Mr Paul Tosi  
General Manager  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

12/01367

FEB10'12 08:22:13 RCUD

*Paul*  
Dear Mr Tosi,

I refer to your letter reiterating the Council's objection to the Camden Gas Extraction (Stage 3) Project Application and seeking the Government's support for the imposition of a moratorium on all further coal seam gas mining until such time as conclusive evidence emerges this practice does not damage groundwater sources.

I note Council's continuing opposition to the proposed northern expansion of the Camden Gas Project (Stage 3) and can assure you Council's submission is being given consideration. I am advised there have been a number of discussions between senior officers of the Department of Planning and Infrastructure and senior Council officers since 2010 regarding this matter. I am also advised AGL has not yet submitted its Response to Submissions for the project. Once received, it will be made publicly available on the Department's website. The Camden Gas (Stage 3) Project will ultimately be determined by the independent PAC.

I note your concerns regarding coal seam gas exploration and extraction and while the Government does not propose to impose a moratorium on coal seam gas mining, it has introduced a broad suite of initiatives to better plan for and regulate this activity. These initiatives include a moratorium on hydraulic fracturing for coal seam gas drilling which was recently extended until April 2012. Additionally, new arrangements have been put in place around the issuing of exploration licences for coal, coal seam gas and petroleum. These arrangements now require public consultation before exploration licences are issued.

The Government has also committed to banning the use of BTEX chemicals in fracturing fluids, improved fracturing standards and the banning of evaporation ponds. An Aquifer Interference Policy is also currently being developed which will require coal mining and coal seam gas activities to obtain approval where there is the potential for aquifer interference.

The Government is seeking to ensure the Coal Seam Gas industry occurs within a sound policy environment and I thank Council for its contribution to the debate.

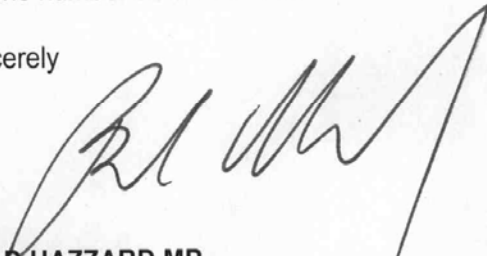


2.6 Correspondence From The NSW Minister For Planning Regarding Council's Request For A  
Moratorium On Coal Seam Gas Activities

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Should you have any further enquiries about this matter, I have arranged for Mr Richard Pearson, Deputy-Director General, Development Assessment and Systems Performance of the Department of Planning and Infrastructure, to assist. Mr Pearson can be contacted on telephone number 02 9228 6181.

Yours sincerely



**HON BRAD HAZZARD MP**  
Minister

08 FEB 2012

## **2.7 Weed Management and Bushland Protection Program**

### **Reporting Officer**

Acting Manager Environmental Planning

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### **Attachments**

Nil

### **Purpose**

To update Council on Council's Weed Management and Bushland Protection Program and outline priorities for implementation of the Program across the Campbelltown Local Government Area (LGA).

### **History**

Council, in partnership with the Sydney Weeds Committee is two years into a five year funding agreement aimed at treating noxious weeds across the LGA. This Program is delivered within strict contractual constraints on grant expenditure resulting in targeted, site specific on-ground works.

Council's annual grant funding through the Weeds Action Plan (WAP) is 100% pre-committed prior to Council receiving any funds. Pre-committed funds are allocated to specific works and locations across the LGA.

Council receives many requests for weed treatment activities and is unable to respond to every request because of the constraints of the WAP funding. As such, the implementation of on-ground works needs to be approached in a strategic manner to ensure limited funds are spent in an ecologically and economically effective way.

### **Report**

#### **Biodiversity Values Areas and Natural Assets**

The Campbelltown LGA is fortunate in that it still supports a high level of native biodiversity. Approximately 17,940 hectares or 58% of the LGA still contains native vegetation supporting a diverse range of flora and fauna species, including species of conservation significance. This vegetation is made up of 18 vegetation communities, 7 of which are listed as threatened ecological communities under the *NSW Threatened Species Conservation Act 1995*.

The largest areas of intact vegetation are located in the east of the LGA within the Holsworthy Military Area and along the Georges River Corridor. However, other significant remnants and vegetated corridors have been retained throughout the LGA's urban and rural environments.

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Council strives to maintain the biodiversity values of the LGA and in order to address threats to biodiversity Council continues to develop and implement a range of strategies, plans and on-ground works to strategically protect the highest value and most vulnerable of these assets.

In addition to its vegetated reserves, the Campbelltown LGA also encompasses two river catchments, the Nepean River Catchment and the Georges River Catchment. Within these two catchments there are four major waterways and associated tributaries. Combined, Campbelltown's waterways total a length in excess of 197 Kilometres. The riparian zones within the LGA (vegetated areas running along a waterway) require a high level of protection. Appropriate management of riparian corridors is a critical step in improving water quality and biodiversity values along our rivers and creeks.

### **Weed Action Plan**

At present, bush regeneration activities and noxious weed control within the Campbelltown LGA is resourced via a combination of funds from NSW Industry and Investment's (NSW I&I's) Weed Action Program (WAP) and Council funds.

The WAP is a NSW Government initiative under the NSW Invasive Species Plan which aims to reduce the impact of weeds. The WAP replaces a range of noxious weed grant programs previously provided by the NSW Government to local and public authorities, and trustees of reserves and commons. The WAP targets these funds to ensure that local weed control authorities and other key stakeholders meet the NSW Invasive Species Plan targets for weed management.

More specifically, the WAP aims to:

- identify and manage high risk weed species and (weed) entry pathways
- develop and implement early weed detection capabilities
- assist in the timely detection of new weed infestations
- effect a quick response to eradicate or contain new weeds
- identify and prioritise weed management projects where benefits are greatest
- provide effective and targeted on-ground weed control
- increase community acceptance of, and involvement in, effective weed management
- integrate weed management into education programs
- improve the knowledge base for weed management
- monitor progress of the NSW Invasive Species Plan's implementation
- encourage the use of cost-sharing arrangements.

The expenditure of funds provided under the WAP is dictated by targets specified under a locally tailored Project Plan. These targets form part of a funding agreement between Council and the Sydney Weeds Committee (which administers funds on behalf of NSW I&I). Under the funding agreement, Council is required to implement and complete all activities allocated within the Project Plan and to submit regular reports on Council's progress.

Council's Environmental Officer (Ecological Protection) administers the program activities, ensuring that Council meets the targets specified in the Project Plan as well as the delivery of Council's Noxious Weed and Pest Animal Management Strategy.

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In developing the targets for the Project Plan and the Noxious Weed and Pest Animal Management Strategy, Council primarily focuses its efforts on high value biodiversity areas and will increasingly do so in the future. This approach is supported by the recently endorsed Strategic Environmental Management Plan for the Upper Georges River. It is envisaged that Council's forthcoming Biodiversity Strategy will further guide the strategic allocation of these resources to protect the assets of the Campbelltown LGA with the greatest biodiversity value.

### 2012 Program

Through the WAP, Council's Bushland Protection Program has expanded significantly during the 2011-2012 financial year with a total of 85.8 hectares of Endangered Ecological Community (EEC) targeted within a total of fifteen reserves (displayed in the Table 1). The works are undertaken utilising the services of bush regeneration contractors with the aim of restoring the natural values of degraded bushland areas across Campbelltown. These activities included tasks such as weed treatment, revegetation with endemic seedlings, and stream bank stabilisation works. Due to the ecological significance of these areas it is imperative that the works are undertaken in an environmentally sensitive manner and that workers are appropriately trained. A list of the current bush land protection and regeneration programs being undertaken across Campbelltown are provided in Table 1.

**Table 1: Current bush regeneration programs being undertaken across Campbelltown LGA**

| Site                            | Vegetation Community Protected                                 | Area (Ha) Targeted | Weeds targeted  |
|---------------------------------|--|--------------------|---|
| Georges River corridor, Kentlyn | Shale Sandstone Transition Forest, Georges River riparian zone | 1.4                | Lantana, Crofton Weed, Senna                                |
| Smiths Creek Reserve            | Shale Sandstone Transition Forest, Smiths Creek.               | 7.4                | Privet, African Olive, Madeira Vine, Lantana                |
| Eagle Farm Reserve              | Intact remnant Cumberland Plain Woodland                       | 1.7                | African Olive, Privet, African Boxthorn                     |
| Fishers Ghost Creek             | Sydney Coastal River-flat Forest, Fishers Ghost Creek          | 3.7                | Madreia Vine, African Olive, Privet, Morning Glory          |
| Botany Place Ruse               | Shale Sandstone Transition Forest                              | 0.7                | African Olive, Privet, Morning Glory, African Boxthorn      |
| Milton Park                     | Cumberland Plain Woodland                                      | 3.9                | African Olive, Privet, Madeira Vine                         |
| Cooks Reserve                   | Shale Sandstone Transition Forest                              | 4.9                | Lantana, Privet, African Olive, Morning Glory, Pampas Grass |
| Noorumba Reserve                | Cumberland Plain Woodland                                      | 50.8               | Privet, African Olive, African Boxthorn                     |
| Nepean River Reserve            | Nepean River Riparian Zone                                     | 1.6                | Honey Locust Tree, Privet, Balloon Vine                     |
| Ingleburn Reserve               | Shale Sandstone Transition Forest                              | 4.9                | African Olive, Privet, Black Eyed Susan                     |
| Simmo's Beach reserve           | Shale Sandstone Transition Forest                              | 1                  | Lantana, Blackberry, Pampas Grass                           |
| Kennett Park                    | Cumberland Plain Woodland                                      | 0.6                | Morning Glory, Privet, African Olive                        |

|                            |                                   |             |                                       |
|----------------------------|-----------------------------------|-------------|---------------------------------------|
| Bunbury Curran Reserve     | Cumberland Plain Woodland         | 1.7         | Morning Glory, Privet, African Olive, |
| Smiths Creek Reserve lower | Shale Sandstone Transition Forest | 0.5         | Madeira Vine                          |
| Appin Road Crown Reserve   | Shale Sandstone Transition Forest | 0.5         | Madeira Vine                          |
| Redfern Creek, Ingleburn   | Cumberland Plain Woodland         | 0.5         | Madeira Vine, Lantana,                |
| <b>Totals</b>              | N/A                               | <b>85.8</b> | N/A                                   |

### Clarence Reserve Balloon Vine

At Council's Planning and Environment Committee Meeting on 13 September 2011 an enquiry was raised by Councillor Thompson regarding an infestation of Balloon Vine within Clarence Reserve, Macquarie Fields.

Balloon Vine is listed as a Class 4 weed under the *Noxious Weeds Act 1993* for the Campbelltown LGA. Balloon Vine is enormously expensive to treat due to the structure of the vine and the methods of growth and dispersal. The vine spreads quickly via buoyant seed pods that travel along waterways or short distances by wind and by any fragments that detach from parent plants. Balloon Vine grows quickly from multiple stems which are connected by large underground root systems. During treatment of the vine it is necessary to completely remove any root fragments of every plant to stop the vine re-infesting the previously treated area. Treatment is also more effective if approached from the most upstream extent of the vine.

Within the Campbelltown LGA however, Balloon Vine is predominately abundant in relatively low value native vegetation communities. This includes already highly degraded urban watercourses, disturbed industrial areas and urban backyards. These factors preclude funding of the treatment of these areas and infestations from the WAP.

Moreover primary treatment of this specific infestation within Clarence Reserve would most likely account for one third of Council's overall annual weed management budget, (approximately \$30,000), however this site forms a part of a riparian corridor connected to Milton Park.

In an effort to strategically address the infestation and biodiversity values, current bush regeneration activities are taking place within Milton Park upstream of Clarence Reserve, treating water dispersal of seeds.

In addition, one of Council's Stream Care groups are currently undertaking weed removal activities in the riparian zone at the entrance to Milton Park. It is anticipated that the works being undertaken by both the Stream Care and Bush Regeneration programs, will eventually reach Clarence Reserve.

### Limitations and Resource Constraints

Council is increasingly in receipt of complaints regarding weed encroachments on Council owned land. Council is however limited in its ability to respond to these complaints due to the allocation of resources to high priority biodiversity areas in accordance with funding commitments.

Consequently, it is proposed to research opportunities for an expanded Weed Management and Bushland Protection Program.

Following the identification of further funding options a suitable method of addressing the many complaints received may be to develop a small team of Bush Regenerators. This team could potentially be responsible for addressing weed and bushland complaints and the maintenance of areas that Council has previously invested in through bush restoration works.

### **Conclusion**

Council officers will continue to implement the 2011-12 Bushland Protection Programs at the sites listed above. Continued investigation into expanding Council's capacity to manage bushland areas is necessary to ensure the resilience of our bushland reserves into the future.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Bourke/Hawker)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 10 April 2012 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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### **3. DEVELOPMENT SERVICES**

#### **3.1 DA Report - Lot 3004 Stowe Ave Campbelltown - review of amended plans**

##### **Reporting Officer**

Director Planning and Environment

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##### **Attachments**

1. Locality plan (distributed under separate cover)
2. Amended context plan (distributed under separate cover)
3. Amended basement plans (distributed under separate cover)
4. Amended floor plans (distributed under separate cover)
5. Amended elevation plans (distributed under separate cover)
6. Landscape depth plan (distributed under separate cover)

##### **Purpose**

To advise Council of recent amendments that have been made to a development application that has been received for a residential apartment building that qualifies for determination by the Joint Regional Planning Panel for Western Sydney.

|                             |   |
|-----------------------------|---|
| <b>Property Description</b> | Lot 3004 DP 1152287, Stowe Avenue, Campbelltown   |
| <b>Application No</b>       | 15/2011/DA-RA   |
| <b>Applicant</b>            | Blue CHP Limited  |
| <b>Owner</b>                | Blue CHP Limited  |
| <b>Statutory Provisions</b> | State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development<br>Campbelltown (Urban Area) Local Environmental Plan 2002       |
| <b>Other Provisions</b>     | Macarthur Regional Centre Master Plan<br>Campbelltown (Sustainable City) Development Control Plan 2009<br>Draft Macarthur Precinct Development Control Plan |
| <b>Date Received</b>        | 6 January 2011 (amended information received December 2011)   |

##### **Introduction**

Reference is made to reports to the Planning and Environment Committee Meeting held on 24 May 2011, Council's Ordinary Meeting held on 31 May 2011 and the Reconvened Ordinary Meeting held on 7 June 2011.

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### 3.1 DA Report - Lot 3004 Stowe Ave Campbelltown - Review Of Amended Plans

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The reports were presented to Council in order to provide it with information in regards to making a submission to the Joint Regional Planning Panel (JRPP) in response to the subject application.

Council resolved at its Reconvened Ordinary Meeting held on 7 June 2011 to:

*That Council write to the Sydney West Joint Regional Planning Panel and recommend that the panel refuse this application because of its inappropriate size, height, bulk and location as well as other impacts, inconsistencies and non compliances concerning the range of issues raised in the Officer's Report.*

Issues raised in the reports noted in Council's resolution and ultimately forwarded as a written submission to the JRPP included:

- Provision of car parking: the development was significantly short of car parking spaces that would ordinarily be required for this style of development under Council's standard planning controls
- Deep soil planting: the development was considered to be deficient in its provision of deep soil planting opportunities
- Waste management: a waste management plan was not submitted with the proposal. Further, the plans did not readily illustrate how waste throughout the buildings would be collected and stored prior to disposal
- Size and scale: the development did not comply with the Macarthur Regional Centre Master plan developed by Council in 2003. It exceeded the height limit recommended in that Plan and it was also noted that the proposal is significantly greater in scale than existing development within the nearby Macarthur Gardens Estate
- Traffic impact: owing to the site's location on street corners, existing and proposed traffic calming and on-street parking restrictions as well as the development's car parking shortfall, the development was considered likely to have adverse impacts on traffic efficiency and safety in its vicinity.

Since preparation of the letter following Council's resolution and a detailed assessment by Council's Senior Development Planner which highlighted some additional issues with the development, the applicant has made some amendments to the proposal. It is also noted that Council has also since resolved to publicly exhibit a draft development control plan that would apply to the development site.

Accordingly, it is appropriate that Council review the application in its amended format.

## **Report**

Council received a development application (15/2011/DA-RA) for the construction of commercial and residential mixed use buildings at Lot 3004 DP 1152287, Stowe Avenue, Campbelltown (Macarthur Gardens) in January 2011.

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### 3.1 DA Report - Lot 3004 Stowe Ave Campbelltown - Review Of Amended Plans

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The site is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP). The proposal is consistent with the objective of the zone to encourage higher density housing in locations which are accessible to public transport and services.

The application will be determined by the Western Sydney Joint Regional Planning Panel, (JRPP), as the capital investment value of the project exceeds the \$10m threshold to qualify as regionally significant development. In this respect, Campbelltown Council is not the determining authority for the application.

The application was publicly exhibited during January and until 25 February 2011. Several written objections were received during the exhibition period, in addition to a well attended community meeting to discuss the proposal. As mentioned earlier, Council has previously made a submission to the JRPP that requests refusal of the application on various grounds.

The purpose of this report is to provide Council the opportunity to consider the amended proposal with a view to either amending its current objection to the proposal in light of the changes or reemphasising that objection.

#### **The Site**

The subject site is located within the 'Macarthur Gardens Estate' and has a direct frontage to three roads, being Stowe Avenue, Tailby Street and Kellicar Road. The property is located approximately 500 metres from Macarthur railway station and Macarthur Square shopping centre.

The land is irregular in shape and has an area of approximately 3,728 square metres. It slopes to the north and north west. The site is currently vacant and has been cleared of vegetation as part of the 'Macarthur Gardens' subdivision release.

Development surrounding the site in its immediate vicinity at present is sparse and includes the recently completed Macarthur Station commuter car park. As mentioned earlier, Macarthur railway station and Macarthur Square shopping centre are also in relatively close proximity. The closest existing residential dwelling is approximately 160 metres from the site to the west along Stowe Avenue.

#### **Proposed Development**

The application continues to seek approval for:

- excavation of the site and site preparation works
  - construction of 3 buildings comprising
    - Building A – a 7 storey mixed retail/commercial and residential building within the northern most portion of the site fronting Tailby Street and Stowe Avenue
    - Building B – a 6 and 7 storey residential building fronting Stowe Avenue
    - Building C – an 8 storey mixed retail/commercial/residential building within the southern-most portion of the site, and fronting both Stowe Avenue and Kellicar Road
-

### 3.1 DA Report - Lot 3004 Stowe Ave Campbelltown - Review Of Amended Plans

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- 75 residential apartments
- 1,943 square metres of floor space within 9 commercial/retail tenancies
- vehicular access from Stowe Avenue
- parking for 120 cars, including 8 disabled spaces within two basement levels (note: this is 7 fewer spaces than the original proposal)
- landscaping works.

The development's 75 apartments would be in the following configurations:

- 15 x 1 bedroom
- 48 x 2 bedrooms
- 12 x 3 bedrooms.

A discussion of the amendments to the proposal and the applicant's rationale is now provided.

#### **Amendment 1 – inclusion of waste chutes and waste storage areas in the building's basement**

The applicant has significantly amended the proposal in terms of waste collection and storage. Waste collection chutes and storage areas have now been included throughout the development. A waste management plan has also been prepared in consultation with Council's Senior Waste Management Officer.

This specific amendment is acceptable as it would provide for more orderly collection and storage of waste (including recyclables) throughout the development.

#### **Amendment 2 – reconfiguration of car parking areas and reduction in the number of car parking spaces**

The applicant has amended the basement car parking design in response to changes highlighted above with regard to waste storage as well as in response to design and compliance issues with relevant Australian Standards. The basement car parking area is now proposed to contain 120 spaces (reduced from 127 spaces in the original proposal).

Further, enhancements have been made to clarify the location/discernment of commercial and visitor spaces to those purely for residents. Parking for residents only would be located in Basement 2 (which contains 76 spaces) and is separated from Basement 1 by a roller shutter door. Basement 1 (which contains 44 spaces including 8 disabled spaces) would be made available for commercial staff, commercial visitors and residential visitors. It is noted that no disabled car parking spaces are provided within the "residential only" Basement 2.

The applicant has provided additional information from a specialist consultant regarding the car parking proposed in the building. The consultant's report details various methods of calculating the required (and in some cases, the recommended) number of spaces for the building.

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### 3.1 DA Report - Lot 3004 Stowe Ave Campbelltown - Review Of Amended Plans

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As detailed in earlier reports to Council and in the consultant's current report, the proposal does not comply with Council's current development control plan (Campbelltown Sustainable City Development Control Plan 2009), which while it does not specifically apply to the site at this time, in the absence of other planning controls serves to provide Council's 'best practice' guidelines for development in this City.

It is important to note that at least one car space is provided for each residential unit within Basement 2.

Using Council's controls, based on the number of residential units and the commercial/retail floor space proposed, the development would require the provision of 170 car parking spaces. The application proposes 120 spaces and would therefore be deficient in 50 spaces. Use of some commercial tenancies as restaurants, cafes or similar would increase the car parking requirements under the Council's SC DCP and therefore widen the gap between spaces required and spaces provided.

The applicant's consultant has also provided information detailing the proposal's compliance with the Roads and Traffic Authority's 'Guide to Traffic Generating Development'. Even with that document's lower car parking rate requirement than Council's controls, the proposal still falls thirteen spaces short.

The consultant notes that commercial/retail spaces in Basement 1 could be shared by residential visitors successfully, as it is more common that residential visitors are at the site outside normal commercial hours. It appears the applicant's consultant has assumed that tenancies would be occupied by offices rather than shops/restaurants or other retail uses, which may be more commonly in use at night time, causing additional demand for the shared area in Basement 1. The likelihood of at least some commercial tenancies being used as restaurants or similar is augmented by the fact that grease arrestors have been provided for within the basement.

As noted in the previous reports to Council on the matter, it is acknowledged that the site does enjoy good access to public transport, shopping and entertainment amenities. However, it is also noted that on-street parking in the vicinity of the building will be relatively limited, owing to its location on a corner and nearby road widths.

Concern is again raised regarding the provision of parking at the site, noting the relatively high amount of commercial/retail floor space provided and the number of 2 and 3 bedroom apartments that would be constructed in the building. Apartments with 2 and 3 bedrooms account for 80% of dwellings provided and more likely to lead to a higher rate of car ownership than 1 bedroom units.

Previous concern regarding loading and unloading of vehicle servicing the retail/commercial tenancies is reinforced, as the applicant has not provided amendments or additional information that illustrates an ability for small trucks to unload off the street. Under the proposal, all service vehicles that are over the size of a van or similar would be required to park on the street to deliver to or receive goods from the development. Further, the applicant has not provided for any specific loading/unloading spaces within the basement car parking area for vans should they enter the property.

The car parking/service issue has not been satisfactorily dealt with by the applicant and the proposal presents a significant departure from Council's most relevant controls.

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### **Amendment 3 – provision of landscaping, in particular, deep soil planting opportunities**

The application as originally received provided an extremely low amount of deep soil planting when measured as a percentage of the site area (approximately 3%). The applicant has undertaken a major embellishment of the landscaping proposed for the site. The amendments include an increase of deep soil planting to 16% of the site's area, with up to 33% of the site's area now landscaped by either turf, deep soil planting or planter boxes.

The increased amenity that the greater planting variety and area would afford future residents is acknowledged as well as the beneficial effect the increase would have on softening the building's appearance in its surrounds.

#### **Further Assessment**

Since the application was lodged, Council has resolved to exhibit a draft version of its Macarthur Precinct Development Control Plan. The draft Plan would affect the subject site should it be adopted by Council in the future following its exhibition. A short assessment against relevant controls proposed in the draft Plan follows.

The development site is located within proposed Precinct SP2 – Kellicar Road. The draft Plan envisages a "medium to high density area allowing for both mixed use and residential developments that transition from the height and scale of Macarthur Square to the pedestrian scale of Barber Reserve".

The draft Plan requires that development within 20 metres of land adjoining open space be restricted to 2 storeys in height to:

- reduce bulk/scale of development adjoining open space
- maintain solar access to open space
- retain human scale development adjoining open space.

The proposal does not provide for this building height transition.

The proposal also exceeds the proposed 6 storey height limit for the remainder of the precinct as in some parts, it is up to 8 storeys above ground level.

The draft Plan requires that car parking be provided in accordance with rates that presently exist in the Campbelltown (Sustainable City) Development Control Plan (SC DCP). As discussed earlier in the report, the proposal does not comply with these requirements and is 50 car parking spaces in deficit of that Plan.

However, the draft provides for a reduction of car parking required where proximity to Macarthur rail station. Under the draft Plan, development sites within 10 minutes walk of the station (such as the development site) are permitted to reduce the car parking provided by 10% of that normally required by the SC DCP. Despite the reduced car parking allowance provided by the draft Plan, the application still fails to provide adequate car parking pursuant to Council's controls.

Having regard to the above, there remain some significant issues in relation to the development's compliance with Council's current and proposed planning controls for the site.

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## Summary of Issues and Concerns

A number of issues and concerns have been identified in this report and in the previous reports to Council in 2011. The concerns and issues identified in the previous report are reproduced below:

### Social and economic impacts

The Campbelltown Local Government Area (LGA) contains a significant portion of Government-owned or community provided social housing. At the 2006 census, approximately 12% of dwellings in the City were rented from the Government or charitable organisations. This is the highest figure for any Council area in Sydney.

Concern remains with nearby residents that a significant portion of the apartment complex may be made available to Government or other charitable organisations to provide social housing, which already exists in large numbers in the Council area, over and above the nominated 50% to be utilised as moderate income 'affordable' dwellings. The social and economic impacts of that potential outcome was not addressed by the applicant in the Statement of Environmental Effects that accompanied the development application.

It should be noted that the applicant provided information with the application that 50%, or 35 of the units were proposed to be held in its ownership and used to provide "affordable housing". However, the applicant's 2011 Annual Report notes that up to 56 of the dwellings may ultimately be used for this purpose.

Council had previously requested further information on the development's potential social and economic impacts. An independent report was commissioned to assess (in detail) the issues surrounding this part of the application's potential impacts, in accordance with Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*.

The independent report provided an assessment of the socio-economic impacts of the project on the locality. This report concluded that, on balance, the proposal has the potential to deliver positive social and economic outcomes. A summary of the report findings is provides as follows:

1. There is significant existing and likely future demand for affordable housing in Campbelltown LGA
  2. The provision of affordable housing has a significant number of social benefits including: changing the social amenity and character of an area; the degree of social interaction; the availability of employment and the social perceptions and opportunities
  3. Whilst there is no conclusive local or academic evidence as to whether affordable housing has an adverse impact on land values, research shows that a number of design and mix characteristics can be incorporated to minimise potential impacts. We understand that the proposed development has incorporated these factors
  4. In any case we reiterate that the impact of the proposed development on land values should not be a matter for planning consideration. In my opinion the LEC is likely to dismiss the argument about impact on land values for the following reasons:
    - The court has stated that the impact on land values is not a directly relevant matter for assessment
    - The affordable housing units do not change the appearance of the buildings; to the members of the general public there would be no visual evidence that units are being managed by a CHP
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### 3.1 DA Report - Lot 3004 Stowe Ave Campbelltown - Review Of Amended Plans

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- There isn't any firm evidence linking the proposed development to impacts on land values.
5. Finally, it is important to reiterate that the proposed development seeks to incorporate affordable housing with moderate income households, i.e. earning 120% of the medium income level.

#### **Car parking**

The proposal provides for a significantly lower number of car parking spaces than would ordinarily be required for this type of development in other areas of the Campbelltown LGA. The applicant has argued that the development's proximity to shopping and public transport opportunities negates the need for compliance with any of Council's controls. The applicant has also provided information detailing the proposal's 'closer' compliance with the Roads and Traffic Authority's 'Guide to Traffic Generating Development'. Even with that document's lower car parking rate requirement than Council's other controls, the proposal still falls several spaces short. Notwithstanding the proposal significantly fails to comply with the City's car parking controls detailed in its primary SC DCP.

The apparent lack of car parking may be further exacerbated by future uses of commercial tenancies within the building as restaurants or other refreshment type operations, which typically attract a higher car parking requirement than an equivalent sized office. The building has provided space in its basement for grease arrestors, indicating that it is intended to use some of the tenancies for businesses that involve food preparation.

As mentioned earlier, it is acknowledged that the site does enjoy good access to public transport, shopping and entertainment amenities. However, it is also noted that on-street parking in the vicinity of the building will be relatively limited, owing to its location on a corner and nearby road widths.

#### **Scale and size of the development**

The scale and size of the development, both in terms of its density and height are above that which was envisaged by the Macarthur Regional Centre Master Plan in 2003. A portion of the site under that Master Plan was to have a maximum height of 3 storeys, where the proposal is seven storeys in that location.

The proposal is significantly greater in scale than existing development within the estate. It is acknowledged that the height of only part of the development complies with Council's relevant planning control, however, the development does not provide for a 'transition' to that higher scale of development as nominated in the Regional Centre master plan.

It should also be noted that construction of the development as proposed would lead to some overshadowing of the central parkland to the south west, particularly in the morning.

This issue is further exacerbated by the proposal's non-compliance with a more recent draft development control plan, which has been prepared for the Macarthur Precinct. The proposal exceeds the height limit proposed for that part of the Macarthur Precinct, in some places by 6 storeys as a two-storey transition to the nearby public open space is proposed in the draft Plan, however the building is up to 8 storeys in that transition area.

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### **Traffic impact**

The development is likely to create additional traffic in the immediate vicinity, having particular regard to the relatively high commercial component of the development. Concern is raised regarding the car parking shortfall detailed earlier and its potential impact on street and traffic safety, noting the site's location on two potentially busy intersections, where traffic calming devices and parking restrictions would result in a low amount of on-street parking being available in the development's immediate vicinity.

Minimal provision of access for service vehicles to the site is also a concern, which although raised in earlier assessment reports, has not yet been fully addressed by the applicant.

Therefore, it is requested that the JRPP ensure that a complete and thorough assessment of traffic/parking impacts is undertaken.

### **Conclusion**

A development application was received to construct a new mixed use commercial and residential complex at Lot 3004 DP 1152287, Stowe Avenue, Campbelltown (Macarthur Gardens) in January 2011.

The new building would contain almost 2,000 square metres of commercial/retail floor space and 75 residential dwellings. Car parking would be contained in a two-level basement area with site landscaping and communal spaces provided throughout.

According to the submitted documentation, some 50% of the residential units would be let to moderate income households as part of the Federal Government's National Rental Affordability Scheme, however, this may increase to almost 75% according to the applicant's 2011 Annual Report. The applicant is a community housing provider and operates under that Federal scheme. The remaining units are indicated to be proposed to be offered for private sale to owner-occupiers or investors.

The proposal is largely compliant with relevant State planning controls and objectives. However, some key issues and matters for further investigation have been raised, with some major inconsistencies with present and proposed local controls identified. These include the provision of car parking and compatibility of the development with existing and desired future development in the area.

### **Officer's Recommendation**

That Council's Director of Planning and Environment forward a submission to the Joint Regional Planning Panel (JRPP) for the Sydney West Region on behalf of Council, requesting that the development application (15/2011/DA-RA) for the construction of commercial and residential mixed use buildings at Lot 3004 DP 1152287, Stowe Avenue, Campbelltown (Macarthur Gardens) be refused for the reasons outlined in this report.

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Having declared an interest in regard to Item 3.1, Councillor Kolkman and Councillor Hawker left the Chamber and did not take part in debate nor vote on this item.

Councillor Oates was elected to assume the Chair for this item.

**Committee's Recommendation: (Greiss/Bourke)**

That the Officer's Recommendation be adopted.

**CARRIED**

At the conclusion of the discussion regarding Item 3.1, Councillor Kolkman and Councillor Hawker returned to the Chamber for the remainder of the meeting.

Councillor Kolkman re-assumed the Chair for the remainder of the meeting.

**Council Meeting 10 April 2012**

Having declared an interest in regard to Item 3.1, Councillors Hawker and Kolkman left the Chamber and did not take part in debate nor vote on this item.

**Council Meeting 10 April 2012 (Thompson/Rule)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 49**

That the Officer's Recommendation be adopted.

At the conclusion of the discussion regarding Item 3.1, Councillor Hawker and Kolkman returned to the Chamber for the remainder of the meeting.

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## 4. COMPLIANCE SERVICES

### 4.1 Legal Status Report

#### Reporting Officer

Manager Compliance Services

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#### Attachments

Nil

#### Purpose

To update Council on the current status of the Planning and Environment Division's legal matters.

#### Report

This report contains a summary of the current status of the Division's legal matters relating to:

- The Land and Environment Court
- The District Court
- The Local Court
- Matters referred to Council's solicitor for advice.

A summary of year-to-date costs and the total number of actions are also included.

|  |
|--|
| <b>1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications</b> |
|--|

|   |                    |
|---|--------------------|
| <b>Total ongoing Class 1 DA Appeal Matters (as at 20/03/2012)</b>   | <b>0</b>           |
| <b>Total completed Class 1 DA Appeal Matters (as at 20/03/2012)</b> | <b>6</b>           |
| <b>Costs from 1 July 2011 for Class 1 DA Appeal Matters:</b>        | <b>\$63,310.11</b> |

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**1 (a) Nick Skagias**

**Issue:** Appeal against condition 55 of Development Application No. 1416/2011/DA-C for construction of a commercial building with associated car-parking.

**Property:** Lot 6 Section 4 DP 2913 No. 34 Carlisle Street, Ingleburn NSW 2565.

**Property Owner:** Mr Angelo Skagias and Mr Nick Skagias

**File No:** 1416/2011/DA-C (Court File 10985 of 2011)

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|                                 |  |
|---------------------------------|--|
| <b>Court Application Filed:</b> | 31 October 2011  |
| <b>Applicant:</b>               | Mr Nick Skagias  |
| <b>Costs Estimate:</b>          | \$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees) |
| <b>Final Costs:</b>             | \$7,743.30   |
| <b>Status:</b>                  | Completed.   |

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|                                  |  |
|----------------------------------|--|
| <b>Action Since Last Meeting</b> | On 31 January 2012 the Commissioner handed down judgement upholding the appeal and granting conditional consent to 1416/2011/DA-C by deletion of condition 55 of Council's consent and amendment of condition 1 to incorporate the amended plans that formed part of the appeal. |
|----------------------------------|--|

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**1 (b)**

**Andrew Osborne**

|                                 |  |
|---------------------------------|--|
| <b>Issue:</b>                   | Appeal against deemed refusal of Development Application No. 1863/2011/DA-C seeking consent for use of a building as a liquor store and associated building modifications and advertising signage. |
| <b>Property:</b>                | Lot 1 DP 1165316 No. 4 Rennie Road, Campbelltown.  |
| <b>Property Owner:</b>          | Andrew Osborne as trustee for AKO No. 2 Trust.   |
| <b>File No:</b>                 | 1863/2011/DA-C (Court File 11139 of 2011)  |
| <b>Court Application Filed:</b> | 1 December 2011  |
| <b>Applicant:</b>               | Andrew Osborne   |
| <b>Callover date:</b>           | 23 March 2012  |
| <b>Costs Estimate:</b>          | \$25,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)   |
| <b>Costs to date:</b>           | \$12,131.11  |
| <b>Status:</b>                  | Completed - Appeal discontinued; awaiting Solicitor's final tax invoice.   |

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|                                  |   |
|----------------------------------|---|
| <b>Action Since Last Meeting</b> | The matter was before the Court on 27 March 2012 whereby consent the Applicant advised the Court that by consent the appeal was to be discontinued with each party agreeing to pay their own legal costs. |
|----------------------------------|---|

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**2. Land and Environment Court Class 1 Matters – Appeals Against Council’s issued Orders/Notices**

|   |               |
|---|---------------|
| <b>Total ongoing Class 1 Order/Notice Appeal Matters (as at 20/03/2012)</b>   | <b>0</b>      |
| <b>Total completed Class 1 Order/Notice Appeal Matters (as at 20/03/2012)</b> | <b>2</b>      |
| <b>Costs from 1 July 2011 for Class 1 Order/Notices Appeal Matters:</b>       | <b>\$0.00</b> |

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**3. Land and Environment Court Class 4 Matters – Non-Compliance with Council Orders / Notices**

|   |                   |
|---|-------------------|
| <b>Total ongoing Class 4 matters before the Court (as at 20/03/2012)</b>  | <b>0</b>          |
| <b>Total completed Class 4 matters (as at 20/03/2012)</b>   | <b>1</b>          |
| <b>Total ongoing Class 4 matters in respect of costs recovery (as at 20/03/2012) these matters will be further reported on completion</b> | <b>4</b>          |
| <b>Costs from 1 July 2011 for Class 4 matters</b>   | <b>\$1,391.58</b> |

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**4. Land and Environment Court Class 5 - Criminal enforcement of alleged pollution offences and various breaches of environmental and planning laws.**

|  |               |
|--|---------------|
| <b>Total ongoing Class 5 matters before the Court (as at 20/03/2012)</b>   | <b>0</b>      |
| <b>Total completed Class 5 matters (as at 20/03/2012)</b>  | <b>0</b>      |
| <b>Total ongoing Class 5 matters in respect of costs recovery (as at 20/03/2012) these matter will be further reported on completion</b> | <b>2</b>      |
| <b>Costs from 1 July 2011 for Class 5 matters</b>  | <b>\$0.00</b> |

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**5. Land and Environment Court Class 6 - Appeals from convictions relating to environmental matters.**

|   |               |
|---|---------------|
| <b>Total ongoing Class 6 Matters (as at 20/03/2012)</b>   | <b>0</b>      |
| <b>Total completed Class 6 Matters (as at 20/03/2012)</b> | <b>0</b>      |
| <b>Costs from 1 July 2011 for Class 6 Matters</b>         | <b>\$0.00</b> |

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**6. District Court – Matters on Appeal from lower Courts or Tribunals not being environmental offences.**

|   |                   |
|---|-------------------|
| <b>Total ongoing Appeal matters before the Court (as at 20/03/2012)</b> | <b>0</b>          |
| <b>Total completed Appeal matters (as at 20/03/2012)</b>                | <b>1</b>          |
| <b>Costs from 1 July 2011 for District Court Matters</b>                | <b>\$1,100.00</b> |

**7. Local Court Prosecution Matters**

The following summary lists the current status of the Division's legal matters before the Campbelltown Local Court.

|   |                   |
|---|-------------------|
| <b>Total ongoing Local Court Matters (as at 20/03/2012)</b>   | <b>5</b>          |
| <b>Total completed Local Court Matters (as at 20/03/2012)</b> | <b>130</b>        |
| <b>Costs from 1 July 2011 for Local Court Matters</b>         | <b>\$1,196.50</b> |

**File No:** LP18/11 to LP21/11  
**Offence:** Various charge matters relating to the keeping and relocation of restricted dogs.  
**Act:** *Companion Animals Act 1998*  
**Costs to date:** \$2,599.50 (cost accounted for under section 8 of this report - 'matters referred for legal advice').

**Status:** Completed, awaiting solicitors final tax invoice

The matters were before the Court for hearing directions on 9 March 2012, where by consent Council made application to withdraw the Court Attendance Notices. The Magistrate granted the application and marked the Court file 'all charges withdrawn and dismissed'.

Since the Court Attendance Notices were filed with the Court the defendant has relocated the dogs to another Council area where an opportunity was provided to the defendant to have the dog breed assessed, despite the Council for that area being aware of Council's ongoing Court action against the defendant. The breed assessor assessed the dogs as not being of a restricted breed listed under section 55 of the *Companion Animals Act 1998 (CAA)* or cross of those breeds. The defendant notified Council of his intention to rely on the breed assessment in defence of the charges.

Council sought legal advice as to the likelihood of a successful prosecution being obtained given the new evidence of the breed assessment. Council was advised that it was likely that the Court would find the offences proved, however, it was equally likely that the Court would

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have particular regard to the breed assessment in determining an appropriate penalty and costs, which may prove unfavourable to Council.

Having regard to the legal advice and that the dogs were no longer kept in the Campbelltown area, it was apparent that there was little benefit to be gained in pursuing the charges against the defendant and that the public interest would be better served, in terms of restricting further legal costs, by Council withdrawing the Court Attendance Notices.

Council's Legal and Policy Officer has been instructed to review the circumstances that allowed the breed assessment of the defendant's dogs to occur. Subject to the findings of that review, it is proposed that a report be prepared for Council on any identified anomalies of the *Companion Animals Act 1998* and Companion Animals Act Guidelines that allow for registered and declared dangerous and restricted dogs to be breed assessed and the potential difficulties posed for Council in the enforcement of the controls relating to those dog categories. It is anticipated that the report will be submitted to the 26 June 2012 round of Committees.

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|-----------------------|--|
| <b>File No:</b>       | LP22/11 – Penalty Notice Court Election                                  |
| <b>Offence:</b>       | Development (dwelling additions) undertaken without development consent. |
| <b>Act:</b>           | <i>Environmental Planning and Assessment Act 1979</i>                    |
| <b>Costs to date:</b> | \$1,250.00   |
| <b>Status:</b>        | Ongoing  |

The matter was before the Court for re-listed hearing on 24 February 2012, where the Defendant, Christina Louise King, made no appearance and instead entered a guilty plea with explanation by written notice. After considering the evidence and submissions the Magistrate found the offence proved; however, having regard to the circumstances of the offence a determination was made that the charge be dismissed without penalty under section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999*. The Magistrate made an order for Council's costs in the sum of \$1,250 subject to the defendant not successfully challenging the quantum of the costs at a further mention, that was listed for 23 March 2012.

At the costs mention on 23 March 2012 the Court confirmed the cost order in the sum of \$1,250.

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**File No:** LP53/11 – Penalty Notice Court Election  
**Offence:** Disobey no-stopping sign – school zone.  
**Act:** *Road Rules 2008*  
**Final Costs:** \$0.00

**Status:** Completed

The matter was before the Court for hearing on 10 February 2012 where the defendant, Aaron John Skinner, changed his plea to guilty with explanation. Having considered the evidence and submissions the Magistrate found the offence proved, convicted the defendant and imposed a \$200 fine and an order for \$81 Court costs.

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**File No:** LP55/11 – Penalty Notice Court Election  
**Offence:** Not parallel park near left.  
**Act:** *Road Rules 2008*  
**Final Costs:** \$0.00

**Status:** Completed

The matter was before the Court for first mention on 24 January 2012, where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved; however, having regard to the circumstances of the offence a determination was made that the charge be dismissed without penalty or costs under section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999*.

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**File No:** LP01/12 – Penalty Notice Court Election  
**Offence:** Stop in bus zone – school zone.  
**Act:** *Road Rules 2008*  
**Final Costs:** \$0.00

**Status:** Completed

The matter was before the Court for first mention on 24 February 2012 where the defendant, Kim Ellen Leighton, entered a guilty plea with explanation. The Magistrate after considering the evidence and submissions found the offence proved and convicted the defendant imposing a fine of \$265 and an order for Court costs of \$81.

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**File No:** LP02/12 – Penalty Notice Court Election  
**Offence:** Stop on path/strip in built-up area – school zone.  
**Act:** Road Rules 2008  
**Final Costs:** \$0.00

**Status:** Completed

The matter was before the Court for first mention on 24 February 2012 where the defendant, Kristy Lee Bell, made no appearance. The Magistrate granted an application by Council for the matter to proceed in the absence of the defendant and after considering the evidence and submissions found the offence proved and convicted the defendant imposing a fine of \$147 and an order for Court costs of \$81.

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**File No:** LP03/12 – Penalty Notice Court Election  
**Offence:** Stand vehicle in area longer than allowed.  
**Act:** Local Government Act  
**Final Costs:** \$0.00

**Status:** Completed

The matter was before the Court for first mention on 24 February 2012 where the defendant Carol Ann O'Neill entered a guilty plea by written notice. The Magistrate after considering the evidence and submissions found the offence proved and convicted the defendant imposing a fine of \$88.

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**File No:** LP04/12 – Penalty Notice Court Election  
**Offence:** Stand vehicle in area longer than allowed.  
**Act:** Local Government Act  
**Final Costs:** \$0.00

**Status:** Completed

The matter was before the Court for first mention on 13 March 2012 where the defendant Carol Ann O'Neill entered a guilty plea by written notice. The Magistrate noted the previous conviction on 24 February 2012 and after considering the evidence and submissions found offence proved and convicted the defendant imposing a fine of \$88.

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**File No:** LP05/12 – Penalty Notice Court Election  
**Offence:** Double park.  
**Act:** Road Rules 2008  
**Costs to date:** \$0.00

**Status:** Ongoing

Matter was before the Court for first mention on 13 March 2012 where the defendant sought an adjournment in order to seek legal advice. By consent the Registrar adjourned the proceedings to 10 April 2012 for further mention.

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**File No:** LP06/12 – Penalty Notice Court Election  
**Offence:** Development not in accordance with consent.  
**Act:** Environmental Planning and Assessment Act  
**Costs to date:** \$0.00

**Status:** Ongoing

Matter was before the Court for first mention on 13 March 2012 where the defendant sought an adjournment in order to confer with possible witnesses. By consent the Registrar adjourned the proceedings to 10 April 2012 for further mention.

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**File No:** LP07/12 – Penalty Notice Court Election  
**Offence:** Disobey no-stopping sign – school zone.  
**Act:** Road Rules 2008  
**Costs to date:** \$0.00

**Status:** Completed

The matter was before the Court for first mention on 20 March 2012 where the defendant entered a guilty plea with explanation by written notice. After considering the evidence and submissions, the Magistrate found the offence proved; however, having regard to the circumstances of the offence a determination was made that the charge be dismissed without penalty or costs under Section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999*.

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**8. Matters Referred to Council's Solicitor for Advice**

Matters referred to Council's solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

**Total Advice Matters (as at 20/03/2012)**  
**Costs from 1 July 2011 for Advice Matters**

**10**  
**\$19,144.55**

**9. Legal Costs Summary**

The following summary lists the Planning and Environment Division's net legal costs for the 2011/2012 period.

| <b>Relevant Attachments or Tables</b>  | <b>Costs Debit</b> | <b>Costs Credit</b> |
|--|--------------------|---------------------|
| Class 1 Land and Environment Court - appeals against Council's determination of Development Applications | \$63,310.11        | \$0.00              |
| Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council                 | \$0.00             | \$0.00              |
| Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or Prosecutions | \$1,391.58         | \$5,494.60          |
| Class 5 Land and Environment Court - Pollution and Planning prosecution matters                          | \$0.00             | \$0.00              |
| Class 6 Land and Environment Court - appeals from convictions relating to environmental matters          | \$0.00             | \$0.00              |
| Land and Environment Court tree dispute between neighbours matters                                       | \$0.00             | \$0.00              |
| District Court Appeal matters  | \$1,100.00         | \$5,709.84          |
| Local Court Prosecution matters  | \$1,196.50         | \$1,415.00          |
| Matters referred to Council's solicitor for legal advice   | \$19,144.55        | \$0.00              |
| Miscellaneous costs not shown elsewhere in this table  | \$0.00             | \$0.00              |
| Costs Sub-Total  | \$86,142.75        | \$12,619.44         |
| <b>Overall Net Costs Total (GST exclusive)</b>   | <b>\$73,523.31</b> |                     |

**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Oates/Greiss)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 10 April 2012 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 47**

That the Officer's Recommendation be adopted.

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**5. GENERAL BUSINESS**

Nil.

**18. CONFIDENTIAL ITEMS**

**No reports this round**

There being no further business the meeting closed at 9.03pm.

R Kolkman  
CHAIRPERSON

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